
Meeting Minutes – 12/3/2021

Council Member Attendance

<i>Hon. Katherine Delgado</i>	<i>John Draxler</i>	<i>Tim Hand</i>
<i>Angela Cifor</i>	<i>Chris Lobanov-Rostovsky</i>	<i>Hassan Latif</i>
<i>Peggy Ritchie</i>	<i>Alison George</i>	<i>Jennifer Wood</i>
<i>Chad Dilworth</i>	<i>Jason Talley</i>	<i>Hon. Nikea Bland</i>
<i>Glenn Tapia</i>		

Meeting Began: 12:04 pm

This meeting was held virtually and recorded.

1) The Intersection of the BHA with Criminal Justice (Summer Gathercole) (Presentation)

Summer Gathercole introduced herself, and gave an update of the Behavior Health Administration's status, and noted that there were three rounds of stakeholder engagement since January 2021. She indicated that there will be proposed legislation in 2022 to affirm the shift of the administration. She mentioned that the BHA is administrative in nature, and noted the highlights of the infrastructure of this model below:

- The Behavioral Health Administration (BHA) will continue to evolve based on additional feedback from stakeholders, direction from the Governor's Office, and through final authorization from the General Assembly through future legislation. Any resource implications will be considered as part of the annual budget process
- The timeline that establishes Colorado's Behavioral Health Administration:
 - The BHA Taskforce began 4/2019
 - An implementation plan to establish the BHA via a phased approach was submitted to the Legislature on 11/1/21
 - The Taskforce included statewide engagement
- The BHA is the lead entity who will be setting expectations and will lead the coordination of the behavior health efforts across agencies, creating shared goals, improving collaboration, driving accountability and transparency for a person-centered outcome-oriented and consumer and data driven behavioral health system for ALL Coloradans. The BHA will:
 - Streamline the overall all system
 - Listen to the voice of consumer and family members as part of the design of this system
 - Address behavioral health disparities as a priority
 - Problem solve and implement solutions through collaboration and effective relationships
 - Focus on whole person care
 - Strive to be a diverse, inclusive and equitable entity in vision, strategy and operations.
- Collaboration is key across all payers, state departments and sectors, along with local governments, intermediaries, providers, and other key partners.
- The Proposed BHA Governance:

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- Behavioral Health Commissioner (who will be a part of the Governor's cabinet)
- Staff Core Functions
- Cabinet Members
- Advisory Council & Workgroups
- The Proposed BHA Structure
 - Governor
 - BHA Commission
 - Cabinet
 - CDHS Executive Director
 - Advisory Council
 - General Assembly
 - BHA Staffed Core Functions with oversight with liaisons to the CJB, CDPS, and the DOC
- The BHA will be initially housed in CDHS:
 - On or before November 1, 2021 - Shall develop a plan for the creation of the BHA, including the integration or alignment of HCPF and DOI (This has been done.)
 - On or before July 1, 2022 - BHA to be established in CDHS
 - On or before November 1, 2024 – CDHS shall provide a report concerning recommendations on whether the BHA should remain in CDHS
- The Proposed Functions of the BHA:
 - Affordability – Payment policy
 - Workforce & Support – Statewide workforce strategy
 - Accountability – BH system strategy, oversight and standard setting
 - Local and Consumer Guidance – Governmental support and problem solving and consumer engagement in system design
 - Whole Person Care – Capacity and policy development
 - Access – Consumer facing and systems functions
- The BHA and the Criminal Justice System
 - Build better partnerships and relationship between Behavioral Health and Criminal Justice
 - Focus on joint recommendations
 - Plan for a strategic roadmap focused on criminal justice reform efforts
- The BHA will evolve – the BHA is the beginning and not an end state.
- The Immediate Next Steps:
 - Will complete a national search for a BH Commission
 - Will continue engagement with stakeholders
 - Will have authorizing legislation
 - Will be partial functional by 7/1/22
 - Will communicate about the BHA and its benefits
 - Will initiate an implementation plan for BHA development
 - Will have cross-agency collaboration
 - Will provide a timeline for implementation of remaining BHA recommendations

QUESTIONS/DISCUSSION:

Glenn Tapia (Council Member) asked what cultural changes are needed to address the structural changes, or what the BHA can do to effect cultural change. He noted that providers are currently unwilling to work with individuals involved in the criminal justice system. Summer Gathercole (Presenter) responded that more criminal justice involvement will need

to be included along with all stakeholder engagement, and noted that the BHA is continuing to work on the cultural piece. She indicated that the BHA will continue to find ways to expand the network of providers willing to work with this population. Glenn Tapia reiterated that giving clinicians systems, structure, standards, policies and so forth will not change the underlying cultural issues. He noted that some of the issues in the Criminal Justice System are symptomatic of an ineffective behavioral health system. Summer Gathercole noted that the behavioral health system has not been focusing on outcomes, and making sure peoples' lives are better after interacting with behavioral health. She stressed the need to continue to work with the criminal justice system to improve outcomes.

Joe Thome (DCJ Director) indicated that all agencies are trying to improve outcomes, and when shortfalls occur, it is always due to a culture issue. He noted the need to find a commissioner with strong cultural change management ideals and skills to effect true change and outcomes.

Alison George (Council Member) discussed the level of care needed and the protocols for substance abuse cases, and noted that there is a gap of treatment matching and services throughout the State. Summer Gathercole responded that the BHA needs to start addressing these gaps and to increase the level of care for all criminal justice behavioral health involved individuals.

Joe Thome (DCJ Director) asked Summer Gathercole if she knows where the BHA will eventually be housed, and if it should be in a more neutral location. Summer Gathercole responded that she does not know yet, and indicated that the Commissioner will be accountable to the Governor and the Governor's office who will make that decision.

Jason Talley (Council Member) noted that the Criminal Justice System will be involved with the workgroups and task force, and expressed support that they also be directly connected at the Commissioner level. Summer Gathercole thanked Jason Talley for his comments and urged the group to relay these types of input to her.

Chad Dilworth (Council Member) noted the need for consistency regarding duplication of services with the Criminal Justice System. He also noted the need for good systems and implementation of best practices in order for a performance/outcome-based system to work. He suggested incentivizing those who work with the harder behavioral health individuals. Summer Gathercole responded that there are provider services that are needed, but not always reimbursable. She indicated that the BHA is looking for areas to free up monies to off-set some of these non-reimbursable charges, and is looking for ways to incorporate best practices in all parts of the State. Chad Dilworth reiterated the need to provide implementation of best practices to the providers, and the need to allocate additional money to cover some of these costs.

Summer Gathercole (Presenter) asked all to email her with any additional questions or feedback.

2) Welcome & Introductions (Council)

Judge Katherine Delgado (GAC Chair) introduced herself

Wendy Bacchi (OCC Staff) introduced the Council Members in attendance.

Wendy Bacchi (OCC Staff) gave a quick overview of the WebEx platform and the meeting process. She indicated that this meeting is being recorded.

3) Approval of the 07/23/21 and the 9/24/21 Minutes (Judge Delgado)

John Draxler made a motion to approve the 7/23/21 meeting minutes.

Judge Nikea Bland 2nd the motion.

7/23/21 minutes: Approved by consensus

Glenn Tapia made a motion to approve the 9/24/21 meeting minutes.

Tim Hand 2nd the motion.

9/24/21 minutes: Approved by consensus (Chris Lobanov-Rostovsky abstained)

4) Spotlight on Community Corrections Across Colorado (Tim Hand)

Tim Hand (Council Member) expressed the difficulty of presenting these updates virtually rather than in-person, and noted that the preferred method would be in-person. He suggested tabling this agenda item until the next meeting in 2022 due to a new COVID variant. Judge Delgado (Council Chair) agreed that it would be better to discuss this update at a later time when the council can meet in person.

Glenn Tapia (Council Member) asked what the purpose of this agenda item is, and if it is to educate the Council only. Tim Hand responded that there are a number of members of the Council that have never been to a community corrections facility, and those who are new to the Council that need foundational education.

Peggy Ritchie (Council Member) asked what the unique challenges are for Colorado. She noted that in-person visits are needed for the Council to understand the various needs. Tim Hand (Council Member) responded that there is not another state to compare to Colorado in that Colorado has the ability to have transition clients coming out of DOC before they are on Parole. He noted that hearing from these various programs educates all on what is working and what the challenges are.

Judge Delgado (Council Member) expressed support for continuation of these presentations, especially for new council members. She also indicated the need for new council members to visit facilities (Urban and Rural) to see what the programs do and understand the challenges they are faced with. Judge Delgado indicated that these visits should be incorporated into the new council member orientation.

Alison George (Council Member) suggested having a council meeting once or twice a year at a facility so they can showcase their successes and speak about the challenges faced.

Tim Hand (Council Member) made a motion to table these presentations until the next Governor's Advisory Council meeting.

Alison George (Council Member) 2nd the motion.

The Motion passed by consensus

Katie Ruske (OCC Manager) indicated that there are new rules regarding councils meeting in person, and noted that those will be discussed later in the agenda.

5) Standards Revision Subcommittee Update (Chrystal Owin)


Chrystal Owin (Presenter) reviewed the proposed Standards review process as proposed at the May meeting. She indicated that all areas of the Standards will be revised except the UA section, and noted that the hope is to have these completed by the end of the fiscal year (6/30/21.)

Some of the highlights of this presentation are as follows:

- Proposed Step 1: Notification
 - Will target all stakeholders
 - Will use email, OCC website, OCC newsletter, inter-agency meetings, and partner agencies to reach all stakeholders
 - Will include a link to the Standards for review prior to commencing survey distribution
- Proposed Step 2: Develop Surveys
 - 4 sets of surveys (by Standards section) will be disseminated
 - Survey Examples
- Step Proposed 3: Release Surveys
 - Survey links disseminated via email distribution, OCC website, partner agencies, inter-agency meetings, etc.
 - Release surveys one set at a time:
 - Other avenue for public comment could include a google form link on the OCC website, email address to submit comments, and/or contact person in OCC to call
- Step Proposed 4: Analyze Data
 - OCC will analyze and organize survey responses
- Step Proposed 5: Working Groups
 - 4 Working groups aligned with the Standards section
 - Select diverse stakeholder participants using survey question response, direct solicitation
 - Co-Chair roles to include stakeholder participants
 - Structure review focused on survey results' responses and trends
- Step Proposed 6: Finalize
 - Present outcomes to GAC for discussion and final recommendation
 - Update, publish, and distribute revised Standards

6) Action Items (Council)


- Judges Information Sheet (Katie Ruske/Nikea Bland)
 - Katie Ruske (OCC Manager) noted that she is working on the training for Judges, and indicated that additional resources for Judges would be helpful.
 - Judge Nikea Bland (Council Member) indicated that she will get back to Katie Ruske when she is able to schedule a meeting with Jennifer Mendoza, hopefully in January.
 - Judge Delgado (Council Chair) noted that a webinar for judges would be useful for judges new to the criminal docket, and offered her assistance in reaching out to Jennifer Mendoza.
- Misdemeanants in Community Corrections (Tim Hand/Subcommittee)
 - Tim Hand (Council Member) indicated there have been 3 meetings with the Subcommittee that is looking to reach the higher risk/higher needs populations. Glenn Tapia (Council Member) noted that a good deal of data that drove focused discussion to inform what population indicates the higher risk/higher needs services when he presented to the Subcommittee. He mentioned that this population does not fit into traditional Probation programs/protocols.
 - Joe Thome (DCJ Director) asked for clarification of where the funding for this new program would be sourced from. Glenn Tapia responded that there are 4 funding models (long and short-term) that they are looking at. He indicated that the he is looking to hear if the Council agrees to pursue these programs.



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He noted that if the Council agrees to pursue this, then it would be appropriate to look at the four funding sources further.

- Tim Hand (Council Member) noted the need to survey the Council to see if this is something that should be pursued, and if it fits into the performance-based contracting with clear outcomes.
- Tim Hand (Council Member) noted the following possible funding sources:
 - Offender Service funds
 - Community Corrections general funds
 - Marijuana fund - Glenn Tapia suggested this as a new funding source
 - Support from the Crime Commission
- Tim Hand (Council Member) indicated there will be further meetings to initiate conversations, and noted that he will be collaborating with his District Attorney in the 8th Judicial District, Judges, Public Defenders, and other stakeholders to work on the details of this possible program.
 - Judge Delgado (Council Chair) asked Tim Hand if his intention is to start a pilot program. He responded that there needs to be more details figured out. It was asked when these misdemeanor individuals would be involved in Community Corrections process.
 - Chad Dilworth (Council Member) noted that some individuals might be better served in Community Corrections which can be more flexible and can address client-specific needs. He noted that while sentences are based on the type of crime, he indicated that they are not necessarily helpful for rehabilitation, and stressed the need to address individual risk and needs. Chad Dilworth indicated that this program would have to be flexible as a system to match the right intervention at the right time. He noted that he is not in favor of a pilot program, and urged the Council to champion this program, and to put the money in practices that work with these individuals. Chad Dilworth also noted that this would be a “system realignment” to include outcome measures.
 - Katie Ruske (OCC Program Manager) noted the workgroup needs to discuss the why, the who, and what are the barriers so the Council can better understand if this is a good idea to pursue.
 - Glenn Tapia (Council Member) reviewed the difficulties with misdemeanants and the noted the need to address their particular issues. He mentioned a possible jail diversion transition model. He indicated that revocations and re-grants do not work. He noted the following points:
 - Revocation rates are increasing
 - Risk/need profile of the clients is increasing
 - High risk clients on Probation have doubled in the past 10 years
 - There has been an increase of the high-risk population to 105% in the past 10 years, medium risk is 55%, and low risk is 13%
 - Would like to see a program that addresses this population rather than more jail or more probation
 - Looking for new funding sources to reach these individuals
 - Judge Delgado (Council Chair) noted that much of the non-compliance and revocations are based on homelessness which also exacerbates the issue. Glenn Tapia indicated that employment is also an issue, and mentioned that the most recent Probation evaluation data has not been released yet.
 - Alison George (Council Member) noted that the Governor’s office interim taskforce has allocated \$200,000,000 which is focused on homelessness. She noted this also includes \$5,000,000 to expand



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the coordination of outreach and the data systems around that. Allison George indicate that this will be presented the Legislature during the next session.

- Chad Dilworth (Council Member) indicated that Community Corrections can provide the services that other systems cannot.
- Katie Ruske (OCC Program Manager) mentioned the need for more background to be done to see if the Council wants to pursue this program. She also noted to ensure that this program will not cause any unintentional failure for this population, and indicated the need to research diligently any available preliminary funding sources.
- Joe Thome (DCJ Director) noted the need to look for no cost or low-cost funding, as this proposed program is needs-based rather than classified-based.
- Glenn Tapia (Council Member) indicated the following possible short-term funding solutions outside of DCJ:
 - Offender Services Money (8th and 13th Judicial Districts) on a small scale
 - Correctional Treatment Funds
 - Offender Service Funds
 - Community Corrections General Funds
 - New Funding sources such as the Marijuana Fund or the Governor's Crime Reduction package funds
- Glenn Tapia (Council Member) noted the need to address the Criminal Justice System Commission for assistance and create a work group. He then expressed the need to create a legislative or budgetary recommendation.
- There was continued discussion as follows:
 - Judge Delgado (Council Chair) asked what the Public Defenders position is regarding misdemeanants. Glenn Tapia (Council Member) responded that in a perfect criminal justice system that it would be client focused and not attorney focused.
 - Glenn Tapia (Council Member) mentioned that if these individuals would be screened through local boards, if Standards/governance are to be followed, and data collected, then the funding stream would come through DCJ.
 - Judge Delgado (Council Chair) indicated that the Subcommittee should continue to research this and bring back updates. She offered to join this Subcommittee. Tim Hand responded that the Subcommittee meeting minutes are available. Wendy Bacchi (OCC Staff) indicated that she will send the Subcommittee minutes to the Council for review.
 - Glenn Tapia (Council Member) noted that the Council needs to approve or disapprove this proposal so that this is not needlessly pursued.
 - Katie Ruske (OCC Program Manager) noted that the role of DCJ and funding sources may determine some decisions. She indicated that a Legislative change would have to be made regarding accessing the use of General Fund dollars for this type of program. She mentioned that OCC is mandated to save the State money, and indicated that adding a new program such as this may not necessarily save the state money. Katie Ruske noted that a cost savings to the State will have to be presented to the Legislature. She also indicated that there is other funding available that can be used to address the needs of misdemeanants, noted that General Fund dollars cannot be used, and that DCJ would not have direct control over the program.

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- Judge Delgado (Council Chair) took a poll of the Council to see if this subcommittee should continue or not. The consensus was to continue pursuing this program.
 - Tim Hand (Council Member) indicated the Subcommittee will proceed with work on this program, and noted they will report back in January with an update to the Council.
- **2022 Meeting Schedule (Decision Item)**

Wendy Bacchi (OCC Staff) presented the proposed schedule for 2022. She noted that as of this time, all meetings should be virtual unless there will be a real in-person need. Wendy indicated that if the meetings are in-person, then all attendees must attest to vaccination or attend virtually.

 - The new Meeting Schedule was approved by consensus.
 - The following are the meeting dates approved for 2022:
 - 2/25/22
 - 4/22/22
 - 6/24/22
 - 8/26/22
 - 10/7/22
 - 12/2/22

7) Updates:

- **Performance Based Contracting (PBC)** – Katie Ruske (OCC Manager) noted that PBC will be discussed at the December 8th Office of Community Corrections and the December 13th DCJ Joint Budget Committee (JBC) hearings. She noted that these hearings will be available on the JBC website
 - She indicated that stakeholder feedback has been received, and noted that the recorded sessions are on the OCC website.
 - She indicated that the work with the consultant on this project has been completed
 - She noted that work is being done in all areas of the Request for Information (RFI) and will be discussed at the Legislative hearing to include:
 - Metrics
 - Payment model
 - Warning system
 - PBC contracting timeline
 - She reviewed that this project began as a result of the Governor's Advisory Council, Urban Institute feedback, and stakeholder feedback
 - She noted that all the recent PBC work done and the Legislative RFI will be presented to the Governor's Advisory Council soon.
- **CCIB 2.0 – Wendy Bacchi (Community Corrections Staff)**
 - Wendy Bacchi updated that the new community corrections information and billing system is progressing, and indicated that user acceptance testing of this is scheduled for the end of January 2022. She indicated for all to watch for upcoming emails regarding this.
 - She noted that there will be a quick snapshot presentation of this system at a future GAC meeting.
 - She indicated that this data system will be much better and more user friendly.
- **Katie Ruske (OCC Manager)** indicated that 10% of the community corrections budget (with an accountability piece) has been moved to other funding lines to address facility financial hardships, which requires a plan of how these monies are to be used. She noted that some of the things this money can be used for are the hiring of



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additional staff and staff retention. Katie Ruske noted that their plans should be submitted to the local Boards and to OCC for approval. She also indicated that a final report indicating how the funds were actually utilized will have to be submitted to OCC before 7/30/2022.

- **Katie Ruske (OCC Manager)** noted that a survey was sent to the facilities regarding hiring, staff retention, staffing levels, and other barriers they are experiencing, and if they impact the waitlist. She indicated that this information will be shared with the JBC.

8) Announcements:

- **Peggy Ritchie (Council Member)** requested that Summer Gathercole come back to the GAC in 6 months to present the updates to the proposed Behavior Health Administration program.
- **Tim Hand (Council Member)** requested that is has been a while since the O. John Kuenhold Distinguished Service Award has been awarded and that there is some great work going on in the field that could be recognized. Judge Delgado (OCC Chair) asked for this to be added to the 2/25/22 agenda to restart the practice.
- **Glenn Tapia (Council Member)** asked for a 20 or 30-minute time slot on the agenda to continue with discussion and updates on the misdemeanants' program. He indicated that this could possibly be a standing item for a while.

9) **Adjournment (Chair/Co-Chair)**

Adjourned at 2:10 pm

Next Meeting-Friday, February 25, 2022

DRAFT