

**Legislative Oversight Committee Concerning the
Treatment of Persons with Mental Illness in the
Criminal and Juvenile Justice Systems**

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October 2014

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems Report

Committee Charge

Senate Bill 14-021 reauthorized the establishment of a legislative oversight committee and an advisory task force concerning the treatment of persons with mental illness in the criminal and juvenile justice systems.

The committee is responsible for appointing a task force that represents all areas of the state and is diverse in ethnicity, culture, and gender. The task force is directed to examine the identification, diagnosis, and treatment of persons with mental illness who are involved in the criminal and juvenile justice systems, including the examination of liability, safety, and cost as they relate to these issues.

The authorizing legislation directs the task force, after July 1, 2014, to consider, at a minimum, the following issues:

- housing for a person with mental illness after his or her release from the criminal and juvenile justice system;
- medication consistency, delivery, and availability;
- best practices for suicide prevention, within and outside of correctional facilities;
- treatment of co-occurring disorders;
- awareness of and training for enhanced staff safety, including expanding training opportunities for providers; and
- enhanced data collection related to issues affecting persons with mental illness in the criminal and juvenile justice systems.

The legislation authorizes the task force to work with other task forces, committees, or organizations that are pursuing policy initiatives similar to those listed above. The task force is required to consider developing relationships with other groups to facilitate policy-making opportunities through collaborative efforts.

The task force is required to submit a report of its findings and recommendations to the legislative oversight committee annually by October 1. The oversight committee is required to submit an annual report to the General Assembly by January 15 of each year regarding the recommended legislation resulting from the work of the task force.

Committee Activities

History

The advisory task force and legislative oversight committee first met in the summer of 1999. In 2000, the task force and oversight committee were reauthorized, and the reestablished task force met on a monthly basis through June 2003. The General Assembly considered legislation to continue the study of the mentally ill in the justice system beyond the 2003 repeal date, but the bill failed. In FY 2003-04, the task force continued its meetings and discussion at the request of the oversight committee. The task force and oversight committee were

reauthorized and reestablished in 2004 through the passage of Senate Bill 04-037 and again in 2009 with the passage of House Bill 09-1021. The oversight committee was subject to Senate Bill 10-213, which suspended interim activities during the 2010 interim. During the 2014 legislative session, the task force and legislative oversight committee were once again reauthorized and reestablished by Senate Bill 14-021. The committee is set to repeal on July 1, 2020.

Advisory Task Force

The task force met monthly in 2014. Each month the task force received updates from various task force members on the implementation of the Affordable Care Act, medication consistency efforts that are being led by the Behavioral Health Transformation Council, and the legislative session that included the status of Senate Bill 14-021 and House Bill 14-1025, which were bills proposed by the task force. The task force regularly discussed the following areas of study with which they are charged: the safety of staff who work with individuals with a mental illness; housing; and data collection. Additionally, the task force heard presentations from outside presenters on information sharing and staff safety.

Information sharing presentation. In January, Meg Williams of the Department of Public Safety presented on the Colorado Children and Youth Information Sharing (CCYIS) Initiative, which is a collaboration between the Department of Education, Department of Health Care Policy and Financing, Department of Human Services, Department of Public Health and Environment, Department of Public Safety, and Judicial Department. The CCYIS Initiative has been in existence since 2007. The CCYIS Initiative was funded by a grant from the federal Bureau of Justice Assistance, but that granted funding ended in January 2014. Ms. Williams indicated that the CCYIS Initiative would continue even after the grant funding is exhausted. The original purpose of the CCYIS Initiative was to determine how different technology systems manage information on juveniles in the criminal justice system. The focus of the CCYIS Initiative shifted to whether the information being gathered is used legally, ethically, and efficiently. The CCYIS Initiative developed a consent form that is intended to become a standard for all agencies in the state.

In addition, the CCYIS Initiative is cross-referencing other state databases to track specific cases of children through jurisdictions. Ms. Williams said this will provide data on a previously non-trackable portion of the population: foster children who change educational districts. With the information sharing project, longitudinal studies can now be done to see how children in the foster system proceed through school.

Safety of staff who work with individuals with mental illness - presentation concerning jail issues. In August, Chief Bruce Haas of the Boulder County Sheriff's Department presented on staff safety in jail settings. He discussed the limited options available to law enforcement when encountering someone with a mental health issue. The options are usually either placement in a hospital or jail. According to Chief Haas, placement in a hospital can mean long waits for admittance, and it is likely the person will be briefly assessed and released because there are no beds available. In Boulder, there are arrest standards that law enforcement officers try to uphold, but Chief Haas reiterated that many times these individuals may end up in jail if they are a danger to themselves or others due to mental illness. According to Chief Haas, training programs have improved the interactions between law enforcement officers and individuals with mental illness in Boulder. Many officers have received crisis

intervention training, and the Boulder County Sheriff's Department is also reviewing other training programs used in Arizona and Texas as possible models.

Chief Haas briefed the task force about the booking and post-booking processes. In the booking process, there is an assessment first for mental health. If the individual is disruptive or under the influence of drugs and alcohol, he or she may be isolated temporarily until he or she is eligible for booking. The Boulder County Sheriff's Department has collected data regarding people with mental illness who are jailed, including the length of time a person with mental health issues spends in jail versus those who are not diagnosed with a mental illness.

In addition, Chief Haas outlined challenges in housing persons with mental health issues within the jail, especially because of overcrowding issues. He recognized that isolating such individuals may be the least effective method of management, but inherent in the duties of law enforcement is to maintain the safety of individuals in their custody. According to Chief Haas, the department attempts to house those with mental illness in the least restrictive environment possible.

The Boulder County Sheriff's Department is studying the use of special housing units and has created a mental health team. The primary role of this team is to assess suicide potential, hospitalization needs, and core medication requirements for people in custody. Both a mental health unit and a space to manage those inmates who are more chronically dysfunctional have been created in Boulder. A psychiatrist and nurse practitioner attend to individuals in custody for four hours and two hours per week, respectively. According to Chief Haas, there is currently a waiting list for individuals to see the psychiatrist for medication needs.

Chief Haas discussed the continuity of care in place in Boulder County when individuals are released from jail. This includes a partnership with Mental Health Partners, which is an independent nonprofit organization that provides comprehensive mental health and wellness services to the residents of Boulder and Broomfield counties. Under the partnership, when individuals are released from jail, Mental Health Partners is provided a medication list, and the released individuals are given a copy of where they need to go and whom they need to see. Chief Haas noted that it is difficult to get individuals to take advantage of this partnership, as less than 40 percent of the released individuals go to Mental Health Partners.

Chief Haas volunteered to provide data about diagnoses, clearances, suicide attempts, and competency evaluations to members of the MICJS Task Force. The task force members agreed that jails are not appropriate facilities to house individuals with mental illness and that they will continue to examine the intricacies of the issue in future meetings.

Juvenile competency. For several years the task force has discussed issues concerning juvenile justice and the standard for measuring competency in juveniles. A work group of both task force members and non-task force members was formed to develop a bill draft to address a juvenile's competency to proceed with a trial. Over the summer, the work group met to draft a bill proposal concerning juvenile competency. The work group used House Bill 14-1025, which was postponed indefinitely, as a basis for the new proposal. In August, the work group brought forth a bill draft to the MICJS Task Force. The task force met twice in August to discuss and finalize the bill draft. The bill draft was presented to the legislative oversight committee in September.

Legislative Oversight Committee

The legislative oversight committee met twice in 2014 to monitor and examine the work, findings, and recommendations of the task force. Specifically, the committee:

- made appointments to fill vacancies on the task force;
- heard a presentation on housing efforts throughout the state to assist people with mental illness who are involved in the criminal justice system; and
- considered legislation recommended by the task force.

Housing issues. At the September 12 meeting of the legislative oversight committee, Pat Coyle, director of the Division of Housing in the Department of Local Affairs and task force member, and Susan Walton, task force chair, presented on efforts to provide housing assistance to people with mental illness who are involved in the criminal justice system. Ms. Walton referenced the merger of the Division of Housing and the Division of Human Services in Boulder County. Mr. Coyle discussed the benefits that stable housing provides to an individual, including employment and education possibilities.

Mr. Coyle outlined the Colorado Second-Chance Act Housing and Reentry Program (C-SHARP). He stated that the U.S. Department of Justice provided the Colorado Department of Local Affairs grants in 2010 and 2013 for C-SHARP for intensive supportive services for previous offenders with co-occurring substance abuse and mental health disorders. These services include the Assertive Community Treatment (ACT) model, which is an evidence-based, outreach-oriented, service delivery model for people with severe and persistent mental illnesses. Sixty individuals were enrolled in C-SHARP under the first grant, and an additional 30 individuals were enrolled under the second grant. Mr. Coyle discussed recidivism reduction through C-SHARP and the potential cost savings to various state agencies. He discussed the challenges of finding neighborhoods, landlords, and property managers that are willing to allow previous offenders to live in their communities. He discussed how the Division of Housing partners with mental health providers, human services systems, and the parole system to provide supportive services to individuals so that landlords do not have to provide those services.

Mr. Coyle stated that felons can be housed in public housing, but federal law prohibits someone from living in public housing if he or she has been convicted of producing methamphetamines, arson, or certain sex offenses. Mr. Coyle said that local housing authorities can place additional restrictions on their properties. Mr. Coyle discussed housing options in rural areas, and referenced Southwest Transitions in Durango that provides transitional housing and services for homeless offenders on parole. He discussed connecting housing programs with job programs. Ms. Walton discussed expanding existing programs that are working, and possibly expanding budgets for these successful programs. Mr. Coyle referenced the existing General Fund funding for housing vouchers for individuals needing behavioral health services. Ms. Walton discussed using various moneys for housing individuals with mental illness who have been involved in the criminal justice system more effectively.

Committee Recommendations

As a result of the discussion and deliberation of the task force, the legislative oversight committee recommends the following bill for consideration in the 2015 legislative session.

Bill A — Juvenile Competency To Proceed In Criminal Justice — The bill establishes a juvenile-specific definition of “incompetent to proceed” for juveniles involved in the juvenile justice system, as well as special definitions for “developmental disability,” “intellectual disability,” “mental capacity,” and “mental disability” when used in this context. The bill clarifies the procedures for establishing incompetency and restoration of competency.