

Committee on Mental Health and the Justice System (MHJS)
| Minutes

Monday, October 26, 2020

Virtual meeting

9:00 a.m. – 10:30 a.m.

Present (telephonically): Kent Batty (Chair), Mary Lou Brncik, Shelley Curran, Jim Dunn, Hon. Elizabeth Finn, Josephine Jones, Dianna Kalandros, Hon. Cynthia Kuhn, Michael Lipscomb, James McDougall, Dr. Carol Olson, Ronald Overholt, Michael Shafer, J.J. Rico, Hon. Christopher Staring, Paul Thomas

Absent/Excused: Brad Carlyon, Amelia Cramer, Hon. Michael Hintze, Kristin McManus, Chief Chris Magnus, Chief Deputy David Rhodes, Hon. Barbara Spencer, Hon. Fanny Steinlage

Guests/Presenters: none

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Don Jacobson, Diana Tovar

Regular Business

Approval of Minutes

The draft minutes of the August 24, 2020, MHJS meeting were presented for approval.

Motion: To approve the August 24, 2020 minutes as presented. Motion to approve minutes was made by Jim Dunn. Paul Thomas seconded. Motion passed unanimously.

A second motion to allow the chair to approve the minutes for today's meeting was suggested.

Motion: To allow the committee chair to approve the October 26, 2020, final meeting minutes on behalf of the full committee. Motion to allow committee chair to approve the final minutes made by Dr. Carol Olson. Seconded by Ron Overholt. Motion approved unanimously.

Overview of Presentations to AJC standing committees

Kent Batty, Chair, summarized his presentations of the Committee's Final Report and Recommendations to the identified Arizona Judicial Council standing committees: Committee on Superior Courts, Committee on Limited Jurisdiction Courts, and the Superior Court Presiding Judges. It was noted that the report was well received by all advisory groups. Mr. Batty explained that his approach was to begin with highlighting the eight recommendations set apart

from the full list of recommendations. He clarified that he described the eight recommendations as being the most actionable and immediate priorities, but not necessarily the most important. He further emphasized the following report components, recommendations and key findings in his presentations:

- **Appendix B.** It was noted these constructed histories were created to provide examples of the complexities faced by individuals, the justice system, and its stakeholders when they intersect with someone living with significant trauma or mental health history. It was suggested they could be used to help educate stakeholders on need for system changes.
- **Lack of data.** Even with the assistance and partnership from AHCCCS to gather more data, there were several places in the report that lacked sufficient data to draw conclusions. It was noted work in this area needs to be continued to identify any data being collected to support implementation efforts.
- **Recommendation #28 (Appendix J).** It was explained that the Committee's concept and recommendation is to build on the work happening nationally and develop a home-grown version of the Sequential Intercept Model that is specifically geared toward children's behavioral health. This model will allow for the identification of gaps in services to develop a comprehensive approach for prevention and intervention both before and after formal court involvement.
- **Appendix C.** The recommendation to develop a Data Repository was emphasized as an important tool for the judicial branch to track individuals who cycle in and out of the court and, specifically, to determine a defendant's involvement in other mental health proceedings, including current location, findings, or pending proceedings in another court.
- **Recommendation #8.** It was advocated that the Court continue to support specialty courts and collaborative groups that are working together to divert misdemeanants with a mental disorder to appropriate services.
- **Establishment of new committees.** Emphasis was put on the need for establishment of a standing committee to continue the MHJS's work and to convene a special taskforce to create a set of mental health rules to improve consistency and coordination among courts.
- **Behavioral Health Liaisons.** The support for the creation of behavioral health liaisons was explained as a broad topic noting that it would help ensure oversight and coordination of services as well as support work underway with AHCCCS and behavioral health providers to develop consistent statewide policies and procedures.

The final report was supported unanimously at each meeting with no negative feedback. The routing process culminated with the Arizona Judicial Council (AJC) unanimously recommending adoption of the report.

Next, Mr. Don Jacobson, Sr. Special Projects Consultant, AOC, shared an update on the AJC's discussion of report recommendation #22. He informed members that the MHJS's legislative proposal was approved for inclusion in the judicial branch legislative packet as submitted. Although it will would move forward in the next session, Mr. Jacobson advised members that the Council will revisit an ancillary issue raised by a member to expand the proposal at their December meeting.

In closing, it was further clarified the MHJS's outstanding legislative recommendations would need to go through the standing committee vetting process before they would be considered as part of any future judicial branch legislative packet.

Discussion:

Clarification regarding the legislative proposal addressing A.R.S. § 13-4503 (E) and the issue discussed at AJC was requested. Mr. Jacobson stated that the legislation as written does not seem to specify whether courts must use a psychiatrist. AJC members are working with the Government Affairs Team to ensure it is not written to specify the use of a specific type of mental health expert.

AHCCCS COE-COT Workgroup

Mr. Jacobson briefed the committee on a recently formed workgroup under the Arizona Health Care Cost Containment System (AHCCCS): Court Ordered Evaluation (COE)/Court Ordered Treatment (COT) Workgroup. The COE/COT Workgroup is charged to look at statewide inconsistencies on reporting, treatment and evaluation processes. The information to be gathered from stakeholder discussions will then be used to support the development of consistent practices and uniformity in policies amongst behavioral health service providers.

Discussion:

Jim McDougall inquired about the membership of the workgroup and whether there were plans to review court ordered treatment applications. Mr. Jacobson stated that applications have not been addressed yet. He added, in terms of participants, the list is extensive and by invitation only.

The Chair thanked AHCCCS representatives Mr. Lipscomb, and former member Michal Rudnick, for their help and support as committee members as well as their ongoing work on issues identified in the final report.

Wrap Up

The Chair expressed his appreciation to former staff Stacy Reinstein for her extensive work on the final report. Mr. Batty also commended the members and staff for their excellent work and dedication to this project.

Committee New/ Updates

Mr. Batty advised members that the November and December meetings were cancelled.

Good of the Order / Call to the Public

There was no response to a call to the public.

Adjournment

The meeting was adjourned at 9:50 a.m. by order of the chair.