

Committee on Mental Health and the Justice System | Minutes

Monday, August 26, 2019

10:00 a.m. – 3:00 p.m.

State Courts Building • 1501 W. Washington St. • Phoenix, Arizona • Conference Room 119 A/B

Present: Kent Batty (Chair), Mary Lou Brncik, Amelia Cramer, Brad Carlyon, Jim Dunn, Hon. Elizabeth Finn, Hon. Michael Hintze, Josephine Jones, Natalie Jones, Dianna Kalandros, James McDougall, Dr. Carol Olson, Hon. Barbara Spencer, Hon. Fanny Steinlage, Beya Thayer (Proxy for David Rhodes), Paul Thomas, Sergeant Jason Winsky (Proxy for Chris Magnus)

Telephonic: Shelley Curran, Hon. Cynthia Kuhn, Kristin McManus, Michal Rudnick, Dr. Michael Shafer, Hon. Christopher Staring

Absent/Excused: J.J. Rico

Guests/Presenters: Dr. Margie Balfour and Dr. Robert Williamson, Connections Health Solutions; Juan Delgado, Glendale Municipal Court; Cathleen Cole, Arizona Foundation for Legal Services

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Karl Heckart, Don Jacobson, Amy Love, Stacy Reinstein

Regular Business

Welcome and Opening Remarks

Mr. Kent Batty (Chair) asked Committee members and guests to briefly introduce themselves.

Approval of Minutes

Members were asked to approve minutes from July 22, 2019, noting they were in the meeting packet and provided electronically in advance of the meeting. Jim Dunn asked to clarify that his reference to adding DHS as a participant was via Dr. Shafer. A motion to approve the minutes was made by Paul Thomas and seconded by Amelia Cramer. Motion was approved unanimously.

Presentation & Discussion: Connections Health Solutions

Dr. Margie Balfour, Chief of Quality and Clinical Innovation and Dr. Robert Williamson, CEO, Connections Health Solutions presented to the Committee. Dr. Balfour's presentation was made available in a Committee Supplemental Packet: Link [HERE](#).

Committee members engaged in discussion with Dr. Balfour and Dr. Williamson around the crisis response system, with a focus on the “no wrong door” for law enforcement model that Connections Health Solutions provides at its Maricopa County and Pima County facilities. Questions were raised regarding how other counties can or should be resourced in order to provide adequate crisis services and alternatives for law enforcement and others in the community.

Committee members discussed the opportunity for family support and engagement, and Dr. Balfour highlighted that peers with lived experience are an important part of their interdisciplinary team. Discussion ensued regarding the boundaries of HIPAA and what can be shared with family members and judges to improve service delivery for individuals.

The Committee and Drs. Balfour and Williamson also discussed how crisis data can be used to improve determination of services and appropriate orders within the court system as well as analyzing who is coming into crisis centers and what the community needs are that perhaps are not being met and could be developed. For example, significant improvements have been made within the law enforcement culture through implementation of the “no wrong door” approach. In order to achieve further success, the system needs to eliminate the siloes through increased collaboration across providers and establishing a common goal to determine what functions are needed, where are the resources, and how to properly resource the system.

News & Updates

Mr. Batty updated the Committee on the SIM Protocol training that took place in Flagstaff at the beginning of August. Don Jacobson noted that all 15 counties are working on development and implementation of mental health protocols around the SIM, under judicial leadership.

Paul Thomas shared news that Mesa Municipal Court received funding/TA to analyze their Community Court data and further develop and enhance the model.

Amelia Cramer shared that the County Attorneys have reviewed and support the Pima County incompetent/not restorable legislative proposal that has been discussed with the Committee and will keep the Committee apprised of any further discussions or movement once the legislative session begins.

Mr. Batty noted that the Committee will not meet in September, and the October meeting will include an update on the presentation/discussion with the Arizona Judicial Council at its October 24th meeting. Mr. Batty also informed the Committee that the October meeting will include a presentation and discussion with the Arizona Department of Corrections Mental Health Director, Dr. Nicole Taylor and Karen Hellman, Director of Inmate Programs and Re-Entry.

Workgroup Report: Competency Practice

Dianna Kalandros, Competency Practice Workgroup Chair, updated the Committee on the *Legal Competency & Restoration Conference* that took place at the beginning of August. Several Committee members participated, and the training was well attended by mental health experts/evaluators, as well as members of the judiciary, court staff and community. Opening remarks were given by Vice Chief Timmer and the Committee’s sample templates for MH Expert guidelines and forms were included and discussed, as well as the Committee’s work overall. There was a lot of enthusiasm for the work we are doing.

Ms. Kalandros shared the workgroup’s proposal to change language in A.R.S. 13-4503 to conform with Rule 11.2 (b) language changes made in 2018. If approved by the Committee, this will be included in the legislative proposal packet submitted to the Arizona Judicial Council in October 2019. The Committee approved moving the proposal forward to conform 13-4503 with Rule 11.2, moved by Jim McDougall and seconded by Judge Steinlage. Motion carried.

In addition, the Committee discussed the wait period (i.e. – is three days enough?), as well as the process for unsealing mental health records and what could be included in an order or what work can be done with AHCCCS and providers to have a standardized release of information to court. A comment was made to review A.R.S. 36-309 regarding Arizona’s HIPAA confidentiality statute and provide a future, more robust recommendation after workgroup review.

Ms. Kalandros shared the workgroup is developing a draft proposal to bring to the Committee in October for changing the requirement for two experts in A.R.S. 13-4505 to “one or more” experts if the most severe charge is a misdemeanor. Currently, the statute requires a stipulation, and if there is no stipulation, there is a Rule 32 issue. Commonly, in rural and smaller jurisdictions, the court almost always stipulates to one expert. Mr. Thomas noted that the workgroup is borrowing language in place in Utah, and in reviewing statutes from all 50 states, the workgroup has found this change is consistent with 50 other statutes.

Ms. Kalandros discussed the workgroup’s continued emphasis on the need for improving the quality of reports and enhancing the judge’s understanding of their role in mental health proceedings. The workgroup sees this as more than just a judicial training issue, and feel it ties into Fair Justice. Workgroup members are hopeful that the Committee’s recommendation to form a team to look at mental health rules and statutes will bring about some type of recommendation to certify judges in mental health, similar to “birth to three” judicial experts in the dependency court system who have advanced training to help support this vulnerable population, of which the mental health population is as well. Law enforcement is already taking on mental health certification through specialized crisis teams and training on Mental Health First Aid. This also ties in with the Committee’s recommendation to develop a university partnership for forensic evaluators and other professionals.

Another piece of the best practices around restoration to competency discussion that the workgroup will be reviewing and can be addressed with the Committee is telehealth evaluations, particularly for rural counties. Discussion will need to take place around – is this an option? What are the standards? How can it be properly resourced?

Finally, Ms. Kalandros shared that the workgroup will be revisiting its research and discussions on *Best Practices in Restoration to Competency Programs* over the next few meetings.

Order of Transfer Protocol Update

Mr. McDougall presented follow-up on the order of transfer protocol with the Committee, noting the process may differ in each county depending on who is responsible for each piece (in each County). The workgroup has included participation from Maricopa County Superior Court (Judge Starr), as well as Committee members. Next steps upon approval by the Committee: send to all Presiding Judges (GJ and LJC) for input, possibly include in Committee presentation to LJC. The Committee provided feedback, asking for clarification on what the JP courts are handling themselves, and if there is any other language that needs to be adjusted with respect to the transfer and county by county differences.

AOC Information Technology Division – Discussion

Karl Heckart, CIO for the AOC presented to the Committee with an overview of the ITD process and strategic vision, including how the Committee’s recommendation for a centralized

“repository” for judges and attorneys to have basic information for an individual involved in a Rule 11 proceeding could be achieved through the upcoming AOC portal/repository. Committee members noted that this discussion has also involved including Title 36 and Title 14 as well, due to the interconnectedness between the three matters for an individual and family.

The Committee recommended that the Competency workgroup team look at its recommendation and convene with AOC IT staff to determine the best next steps.

Mr. Heckart’s PowerPoint slides were made available in a Committee Supplemental Packet: Link [HERE](#).

Interim Report: Final Discussion

Mr. Batty requested final approval from the Committee of the report. The motion was made by Amelia Cramer and seconded by Jim Dunn. Motion carried.

Good of the Order / Call to the Public

No members of the public asked to speak.

Adjournment

The meeting was adjourned at 2:25 p.m. by order of the Chair.