

Committee on Mental Health and the Justice System | Minutes

Monday, February 24, 2020

10:00 a.m. – 3:00 p.m.

State Courts Building • 1501 W. Washington St. • Phoenix, Arizona • Conference Room 345 A/B

Present: Kent Batty (Chair), Mary Lou Brncik, Brad Carlyon, Amelia Cramer, Jim Dunn, Josephine Jones, Natalie Jones, Dianna Kalandros, James McDougall, Dr. Carol Olson, Ronald Overholt, Beya Thayer, Proxy for Chief Deputy David Rhodes, CJ Loiselle, Proxy for AHCCCS, Hon. Barbara Spencer, Hon. Fanny Steinlage

Telephonic: Hon. Elizabeth Finn, Kristin McManus, Asim Dietrich, Proxy for J.J. Rico, Dr. Michael Shafer, Shelley Curran, Christopher Staring,

Absent/Excused: Cynthia Kuhn, Chief Chris Magnus, Hon. Paul Thomas

Guests/Presenters: Tamaria Gammage, Beth Broeker, Shannon Hendrickson, David Ward

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Liana Garcia, Stacy Reinstein, Diana Tovar

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 January 27, 2020, noting they were in the meeting packet and provided electronically in advance of the meeting. A motion to approve the minutes was made. Motion was approved unanimously.

Committee – 2020 Work Plan

Mr. Batty discussed the 2020 Work Plan, a summary of the committee's interim report recommendations and planned tasks for the 2020 year. Mr. Batty discussed each action item and encouraged members to ask questions. The work plan reflects some of the discussion with the AOC leadership team regarding priorities and tasks. For more information regarding each action item, please refer to the 2020 work plan that was provided online and in the meeting packet.

AOC Legislative Update (out of order)

Liana Garcia, AOC Legislative Liaison, provided an overview of the following mental health-related bills of interest currently at the legislature:

- HB 2070 – Prearrest diversion programs; civil citation
- HB 2422 – Coordinated reentry planning services programs
- HB 2581 – Dangerous; incompetent person; evaluation; commitment
- HB 2764 – Mental health omnibus
- HB 2322 – Firearms sales; transfers; background checks

Mr. McDougall briefly discussed House Bill 2316 – Mental disorder; considerations; involuntary treatment.

Competency Workgroup Report (out of order)

Dianna Kalandros updated the committee on the current priorities and tasks of the Competency Workgroup. The following action items were discussed:

- Templates for guidelines and forms for mental health experts in Rule 11 competency evaluations.
- Finalize Best Practices for Restoration to Competency.
- University-Court partnership for continuous education, training, career pipeline and infusion of best practices.
- Create/expand telehealth infrastructure.
- Competency evaluations for misdemeanants.

Please refer to the MHJS Competency Workgroup – 2020 work in progress document which was provided to the committee online and in the meeting packet.

Key Issues Workgroup Report

Jim McDougall gave the committee an update on the work of the Key Issues workgroup. The updates were provided to committee members online and in the meeting packet. In brief, Mr. McDougall discussed the workgroup's current task:

- Revisit the proposals for Mental Disorder; Enhanced Services Order; and PAD/Emergency Standard to discuss and determine:
 1. What changes need to be made to the proposal (if any)?
 2. What data would best serve our purposes of getting these changes made?
 3. What are the potential sources of data?

Committee members provided comments and input for the Key Issues workgroup to consider.

Training Team Report

Stacy Reinstein briefly summarized the first meeting of the training team workgroup. An overview of the goals, objectives and timeline of the workgroup was provided to the committee members online and in the meeting packet.

The objective of the workgroup is to assist the AOC with launching an online mental health training module for the judiciary and court staff that includes the following chapters:

- Mental health – awareness, de-stigmatization, implicit bias, signs/symptoms.
- Bench training – pathways, examples, solutions, resources – community-based services and legal resources for the following five benches, including the following courts: limited jurisdiction, family, juvenile, probate and mental health, civil, and criminal.

News & Updates

Mr. Batty informed members that there will be a presentation and discussion at the March meeting on the topic of rules of evidence and introducing mens rea as an affirmative defense. Mary Lou Brncik provided a brief update on committee member discussions on the topic, and next steps for committee discussion, following the March meeting. In addition, Mr. Batty informed the committee of a technical assistance award from SJI to AOC for purposes of gathering data and capturing Arizona's accomplishments in implementation of the Sequential Intercept Model and mental health protocols. The NCSC will also be contacting individual jurisdictions and committee members to conduct an additional survey regarding Arizona's work on mental health in the justice system. Mr. Batty thanked Don Jacobson, Patti Tobias, and Ms. Reinstein for their efforts on earning this award.

Acute Mental Health Needs of Youth: Arizona's Juvenile Justice System

Mr. Batty introduced Beth Broeker, attorney and Chief Hearing Officer with The Arizona Department of Juvenile Corrections, and Dr. Shannon Hendrickson, clinical psychologist, from the Arizona Department of Juvenile Corrections (ADJC). Mr. Batty advised the committee that the presentation will provide insight on the trajectories that youth with mental health needs are experiencing within the delinquency system.

Ms. Broeker discussed general information about ADJC, children's pathways to ADJC, and what they experience while at ADJC including a program overview and challenges of handling youth with acute mental health conditions.

The ADJC is a high interaction facility providing therapy, resources, stabilization, and support for youth aged 14 – 18 in the juvenile justice system. While at ADJC, youth follow a well-regulated schedule and are seen approximately every 14 days or less by a licensed clinician and daily for those that are found to be a significant danger to self. Ms. Broeker shared that before entering ADJC, many youth have already exhausted family and community resources and services. Community re-integration, especially for high-risk kids, is challenging, and services are often not adequate to meet their needs.

Committee Recommendations for consideration:

Mr. Batty asked the committee for consideration at looking to develop a Sequential Intercept Model concept for youth within the justice system. Discussion took place regarding what children would be included in the committee recommendation and if the concept would be limiting.

The motion was passed unanimously to begin the conversation of adding youth to the committee's recommendations.

Good of the Order / Call to the Public

No guest speakers asked to address the committee. The next meeting is March 23, 2020.

Adjournment

The meeting was adjourned at 2:23 p.m. by order of the Chair.