

Fair Justice Subcommittee on Mental Health and the Criminal Justice System

AGENDA

Thursday, April 26, 2018; 10:00 a.m. – 12:30 p.m.

Conference Room 101

State Courts Building, 1501 W. Washington, Phoenix, AZ 85007

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Time*	Agenda Items	Presenter
10:00 a.m.	Welcome	<i>Kent Batty, Chair</i>
10:05 a.m.	Approval of Minutes from April 10, 2018 meeting ☐ Formal Action/Request	<i>Kent Batty</i>
10:15 a.m.	Review, discussion, and approval of final report ☐ Formal Action/Request	<i>Kent Batty</i>
12:00 p.m.	Closing Remarks	<i>All</i>
12:30 p.m.	Good of the Order/Call to the Public Adjournment	<i>Kent Batty</i>

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. For any item on the agenda, the committee may vote to go into executive session as permitted by Arizona Code of Judicial Administration § 1-202. Please contact Jodi Jerich, staff, at (602) 452-3255 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Sabrina Nash at (602) 452-3849. Requests should be made as early as possible to allow time to arrange the accommodation.*

Fair Justice Task Force

Subcommittee on Mental Health and the Criminal Justice System

DRAFT

Tuesday, April 10, 2018
Conference Room 119
Arizona State Courts Building
1501 West Washington Street
Phoenix, AZ 85007

Present: Kent Batty, Chair, Susan Alameda, Mary Lou Brncik, Jim Dunn, Vicki Hill, Josephine Jones, Dr. Dawn Noggle, Dr. Carol Olson, Nancy Rodriguez, Dr. Michael Shafer, MaryEllen Sheppard, Judge Susan Shetter, Commissioner Barbara Spencer, Judge Chris Staring, Lisa Surhio, Sabrina Taylor, Paul Thomas, Juli Warzynski

Appearing Telephonically: Dr. Tommy Begay

Absent/Excused: John Belatti, Detective Kelsey Commisso, India Davis, Judge Joe Mikitish, Danna Whiting

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Don Jacobson, Jodi Jerich, Sabrina Nash, Angela Pennington

Welcome, opening remarks, and approval of minutes

The Chairman, Kent Batty, called the April 10, 2018 meeting of the Fair Justice Task Force Subcommittee on Mental Health and the Criminal Justice System to order at 10:05 a.m. The Chairman asked the members to go around the room and introduce themselves.

The draft minutes of the March 21, 2018 meeting were presented for approval.

Motion: To approve the January 18, 2018 minutes. **Action:** Approve. **Moved by:** Jim Dunn. **Seconded by:** Paul Thomas. Motion passed unanimously.

Development of an informational guide on Arizona's civil commitment

The Chair opened the floor for the purpose of completing past discussions on how best to disseminate information to the public about the process to obtain court-ordered mental health care for their family member or friend. He reminded the Subcommittee that, based on previous discussions of the Subcommittee, the Arizona Bar Foundation for Educational and Legal Services (the Foundation) had agreed to work with the Administrative Office of the Courts (AOC) to develop a web-based guide but that this project was going to take some months to develop and complete. An informational guide in paper format would supplement the information that later will be available electronically.

A mental health advocate member informed the members that she had reached out to the Director of Legal Services at Maricopa Integrated Health to help her advocacy organization develop a similar brochure. She explained that the purpose of the document is to explain the legal process for obtaining court-ordered mental health evaluation and court-ordered treatment. She said that this could be information the police could hand out to people similar to the information that police provide on how to seek help in cases of domestic violence. It may be one of the documents that will shorten the development cycle for the proposed statewide brochure.

Motion: That the AOC develop an information guide on the civil commitment process in web-based and paper formats. **Action:** Approve. **Moved by:** MaryLou Brncik. **Seconded by:** Jim Dunn. Motion passed unanimously.

Review draft of the Subcommittee's report to the Fair Justice Task Force

Members reviewed a draft of the subcommittee's final report to the Fair Justice Task Force (Task Force). The report outlines the charges given to the Subcommittee, the contents of its meetings, the presentations it heard, and the recommendations it proposes to the Task Force. The report will be presented at the Task Force's meeting on May 21, 2018.

The report details the specific recommendations made by the Subcommittee related to its charges. Additionally, the report recommends that the Supreme Court create a new standing committee that will continue the work of the Subcommittee. The members noted that other Supreme Courts have created similar committees to identify ways to provide fair and just outcomes for persons who enter the justice system and are in need of behavioral health treatment. The members recommended that the committee's membership include broader representation including persons from the Arizona Health Care Cost Containment System (AHCCCS), from the Department of Health Services (DHS), and from entities representing rural Arizona. Representatives from other branches of state government should also be invited to participate.

The members then crafted the scope of the new committee's purpose. It was agreed the new committee should continue the work of the Subcommittee and oversee the implementation of its

recommendations. It was also noted there was the need for the new committee to work with other stakeholders and coalitions in order to develop collaborative relationships. The members proposed the new committee develop training opportunities for judges, monitor the AOC's work with the NCSC to develop a model protocol guide for presiding judges, review the standards and data collection practices of mental health courts, and develop an outreach plan to inform the public and mental health stakeholders about the Court's efforts to better dispense justice to persons with behavioral health needs. Finally, the Subcommittee recommended that the new committee continue to look at court rules and state statutes for changes that would result in improved court processes for persons in the criminal and civil justice systems.

Action: Staff will make changes to the draft final report to incorporate the comments made at the meeting. Staff will distribute a revised report for members to conduct a final review in preparation for the next meeting.

The Chair noted that the Subcommittee will hold its final meeting on April 26, 2018.

Call to the public

No members of the public addressed the Subcommittee in response to a call to the public.

Adjournment

The meeting adjourned at approximately 1:37 p.m.

FAIR JUSTICE SUBCOMMITTEE ON MENTAL HEALTH AND THE CRIMINAL JUSTICE SYSTEM

Date Action Required:	Type of Action Required:	Subject:
April 26, 2018	☒ Formal Action/Request ☐ Information Only ☐ Other	Final review and approval of subcommittee's report to the Fair Justice Task Force

PRESENTER(S): Kent Batty, Chair

DISCUSSION: Approve the report subject to the edits discussed during this meeting, with permission for the Chair and AOC staff to make grammatical and stylistic changes or edits needed for the good of the report, but not substantive changes.

RECOMMENDED MOTION (If needed):

Motion to approve the report subject to the edits discussed during this meeting.