

Alaska Criminal Justice Commission
Behavioral Health Standing Committee

Meeting Summary

March 1, 2019

Alaska Mental Health Trust + Teleconference

Commissioners present: Steve Williams, Stephanie Rhoades, Sean Case

Participants: Michael Duxbury (serving as proxy for Commissioner Amanda Price), Al Wall (serving as proxy for Commissioner Adam Crum), Laura Brooks (serving as proxy for Commissioner Nancy Dahlstrom), Rob Henderson (serving as proxy for Commissioner Kevin Clarkson), Gennifer Moreau, Laura Russel, Cody Chip, Andy Jones, Travis Welch

Staff: Barbara Dunham

Agenda and previous meeting's summary

The agenda and previous meeting's summary were approved without objection.

2019 Workplan

Steve Williams explained that the focus of the meeting would be to come up with a work plan for the Standing Committee for 2019. He noted that there were some new Commissioners and participants in the Committee since the last meeting, and pointed out that he had put the Committee's charge at the top of the agenda. He had also provided the memo detailing the recommendations from the Committee to the full Commission from fall 2018, and a complete list of all the recommendations the Commission has made to date. Essentially, this Committee was focused on the intersection of the behavioral health and criminal justice systems, looking at ways to divert justice-involved people with behavioral health problems to services outside the criminal justice system while maintaining public safety. Part of this also involved looking at the interplay between Title 12 and Title 47.

Steve said that one question for the meeting was whether the group wanted to (A) focus on the implementation of current (outstanding) recommendations or (B) start looking into other issues. He noted that the Commission's annual report would be due by November 1, meaning any recommendation from this group should be compiled and sent to the full Commission by the end of summer.

Sean Case said he was curious to know what the group's feelings were about Title 47 holds. From a local law enforcement perspective, APD was planning to take the Title 47 mandate very literally as they needed to free up officers who had been devoting a lot of man hours to people covered by Title 47. The issue was that those needing a Title 47 hold due to alcohol involvement would be taken to jail on a noncriminal hold or to the Anchorage Safety Patrol, and those needing a hold due to mental health issues would be taken to Providence Psych ER or API, both of which involved a lengthy process. There was no quick drop facility. The statute itself would seem to indicate that people in this category should be taken to a hospital, which then begged the question of what should happen if all hospitals were on divert status.

Steve said that acute care had been a longstanding issue, that could be addressed in a number of ways— statutes, capacity/resource allocation, quality of available care. The question was how the Commission could support any of those efforts.

Al Wall thought that this issue should be addressed in all of those ways. There were different groups looking at these issues and DHSS was putting together a task force looking at the UNLV report. He thought the Commission could pull together people working on the civil and criminal side of things and suggested involving ASHNHA (Alaska State Hospitals and Nursing Homes Association). DHSS has a short-term plan in place now and is working on a mid- and long-term plan, and they were committed to rapid positive change. There have been many recommendations made over the years that were never acted upon.

Judge Rhoades noted that obviously there had been an administration change, and wanted to inform or remind the group that the Commission had discussed whether Title 47 was in the Commission's purview and that the Commission had decided that the interplay between Title 12 and Title 47 brought the latter within the Commission's purview. She thought another question was whether this committee wanted to revisit the UNLV report, which might be somewhat outdated after the passage of SB 91. She also wanted to know what DOC was doing about reentry.

Michael Duxbury had two examples pertinent to this discussion. The first was a person in Southeast Alaska who was off his meds and believed that schoolchildren boarding a bus were ninjas. He'd been shooting weapons outside his house and clearly needed an intervention, but Title 47 only goes so far and this person knew what to say to be released from a Title 47 hold quickly. Another example was a man in Wasilla who worried his parents with his behavior, had been making serious threats to neighbors, and had obtained weapons and was escalating his behavior. These were examples of people who need intervention, not jail—they needed to be dropped off at a crisis intervention center for evaluation. Troopers often get called back to respond to the same people—there needed to be a warm handoff to ensure people in this situation could get lasting help.

Steve noted that the Committee had been talking about such issues for a long time, and that people experiencing a behavioral health crisis should not go through the criminal justice system because there was nowhere else for them to go. Al thought this was really the crux of the matter—there was a real need for a crisis stabilization center. The problem was finding funding and someone to run it.

Sean thought there could be an interim response until funding could be found for a permanent center, something like a mobile response project. That could be a way to deescalate a person in crisis. Al agreed and said he was essentially describing the ACT team model. Sean said that regarding funding, the 1115 waiver could provide Medicaid reimbursement for these services.

Michael said there was also a problem of medical professionals feeling as though they can't talk about their patients because of HIPPA. Law enforcement needs their help to intervene. Al said it was HIPPA but also an issue of liability. With an ACT team, their activities would come under the umbrella of the Department of Public Safety, which is usually not as concerned about litigation.

Judge Rhoades said it sounded like the group needed an agenda. She proposed that item #1 on the agenda should be looking at non-criminal justice interventions for the acute needs of the behavioral health population, whether a crisis stabilization center or mobile crisis response. Steve thought it sounded like there was agreement on that; there was no objection from the rest of the Committee.

Judge Rhoades said that the first agenda item could also include jail diversion, and that other potential agenda items might be competency and restoration, treatment in jail, and reentry and discharge planning.

Laura Brooks asked to clarify whether the Committee's discussion of Title 47 would include alcohol holds, noting those are a tremendous burden on law enforcement and DOC. Steve said he thought

it was both, and noted that it was often hard for first responders to distinguish between an alcohol-induced crisis and mental health crisis. It was something to keep in mind. Judge Rhoades thought that the Committee should look at anyone who was going to jail but should be going to a different intervention instead.

Steve asked whether there was any objection to Judge Rhoades' list.

Michael added that treatment in jail was very important, and that it also related to release planning. Treatment in jail should be more than just a Vivitrol shot; with continuing therapy those leaving prison will be less likely to return. Steve said he thought that the two were very connected and that access to treatment was very important, but also wondered where it would be best to start first. There also had to be treatment readily available in the community so that people could continue their treatment after leaving prison.

Cody Chip from ANTHC thought it was a good agenda and urged the Committee to keep rural Alaska in mind, including the issue of transportation to an intervention or treatment—transportation is a huge issue for rural Alaska. Michael agreed, saying that was one reason law enforcement officers struggled with Title 47 holds in rural areas. Often the transport would have to be secure, in handcuffs, because there was no other option and this would be traumatic for the person. Cody said that the Committee also might want to think about the interaction with federal probation; as a practitioner, he saw a lot of people who had federal probation, particularly for drug crimes.

Gen Moreau thought the agenda was good but didn't want to overlap with existing efforts; she suggested that once this group dials down into the details some things might be referred out to other groups making similar efforts. Steve agreed and thought this Committee's role might be to support and inform those efforts.

Cody asked whether the Committee ever discussed juveniles. Steve said historically not, with the exception of juveniles treated as adults for competency purposes.

Steve said it sounded like he was hearing there was a consensus around Judge Rhoades' list. He said he would report briefly to the full Commission on the following Monday and would write up the list and send it to the group.

Public Comment

There was an opportunity for public comment but no comment was made.