

Alaska Criminal Justice Commission
Behavioral Health Standing Committee

Meeting Summary

April 13, 2018

Alaska Mental Health Trust + Teleconference

Commissioners: Steve Williams, Stephanie Rhoades, Karen Cann for Dean Williams, Brenda Stanfill, Amanda Daly for Sean Case, Rob Henderson for Jahna Lindemuth

Participants: Araceli Valle, Mary Geddes, Gennifer Moreau-Johnson, Chad Holt, Teri Tibbet, Pam Cravez, Norah Morse, Paul Maslakowski

Staff: Barbara Dunham

Announcements and Agenda

Steve Williams called the meeting to order. Judge Rhoades asked to add a brief item at the end of the meeting. There was no objection to the agenda so amended or to approving the previous meeting's summary.

DOC Updates – Diversion Planner

Mary Geddes provided the group with an update on her research into diversion. Diversion can be a broad or narrow concept, but generally refers to a mechanism that diverts an offender from the traditional criminal justice process.

She has identified some “easy” populations that would be suitable for diversion, and has a plan in circulation for diversion of people charged with per se DUI. She has also been looking at the young adult population. She has traveled to Fairbank and Kenai, and spoken with folks from Barrow. She noted that while APD has CIT training, there is interest but no manpower or funding to do CIT training in other jurisdictions. The troopers would like to get the same training as APD.

There is a lot of national interest in law enforcement-led diversion. BJA is promoting 6 locations across the US as learning sites for law enforcement-led mental health diversion. BJA is offering training and technical assistance for other law enforcement agencies to visit and model these sites. The sites are: Madison, LA, Salt Lake, University of Florida (2 sites), and Portland ME. They all have mental health workers stationed alongside LEOs—in some cases they are master's students in social work who use the experience for training. Mary will inform agencies across Alaska that this training is available—and at no cost.

She is also looking at the statutory schemes in five states as a model for statute-based diversion for the mental health population. The states are: Washington, Nevada, Mississippi, Indiana, and California. She can compile and share her notes on these statutory schemes if group members are interested.

Indiana is the state that has the most promise for being replicated in Alaska. Indiana decided that diversion was best developed on a local level by practitioners familiar with local resources. Any community can opt into the scheme. The local community will form a “forensic advisory board” which looks similar to the teams on the mental health courts in Alaska. The team evaluates candidates for diversion, and the diversion can happen pre- or post-conviction.

Mary’s research has shown that when the court participates in a diversion program, statutory authorization is required to help the program avoid separation of powers problems. Some of the models look like deferred sentencing, and allow participation in the program for up to three years, with failure resulting in conviction. Some programs are entirely pre-adjudication, and failure results in prosecution. In Mississippi, the statute authorized creation of pilot programs operating under a centralized board.

Judge Rhoades commented that in Alaska, the therapeutic courts do not have clinicians and services are referred out to clinicians. She wondered if the local advisory board would need to have a clinician if the board was involved in admission to the program and needed assessments. Mary said her reading of the statute was that the board was comprised of a judge, a public defender, a parole officer, a district attorney, a drug court judge, a substance abuse professional, and a mental health professional. She needed to do more research on how the board functions in reality. There are some legal exclusions. The program runs 2 years for misdemeanors and 3 years for felonies.

Brenda Stanfill asked if they included a victim’s representative on the board. Mary wasn’t sure but would look into it. Steve asked if the Indiana program operated on the county level. Mary said she thought so.

Steve noted that there had been discussions in the past about using statutory authorization for therapeutic courts, so this wasn’t a new concept for Alaska. He thought this was something this group should look at—it could be a recommendation for the full Commission.

Judge Rhoades said that in regards to the per-se DUI project, she would caution that Das have not been willing to allow DUI offenders in to mental health court; there was a culture built up against it, perhaps because the first-time crime is a necessary predicate for the higher penalties for subsequent crimes. Regarding CIT, she noted that even though APD has the training, Anchorage lacks the co-response of immediate treatment to make it effective.

Judge Rhoades also encouraged Mary to keep looking at the young adult population for diversion, as she thought that was very palatable. She had discussed this population with DJJ before and noted that they had specific needs related to ACES—anxiety, PTSD, and substance use-disorder. They were generally not a severely mentally ill population.

Regarding the legislative approach to diversion, Judge Rhoades thought the upside was that it could include funding and it could be a way to get the public defenders and prosecutors to the table, and would be a uniform way to communicate policy calls. On the other hand, legislation was difficult to achieve, and could result in unfunded mandates. The result of previous discussions around statutory authorization for mental health courts was to instead go in the direction of MOUs. She liked the idea of a statewide therapeutic court standard that could ensure the use of evidence-

based practices and evaluations for fidelity. She thought the 2 and 3-year time periods were too long considering the standard now for the therapeutic courts was to have a shorter program. It wouldn't be helpful to have an early diversion program that was more onerous than later a later diversion opportunity like the therapeutic courts.

Judge Rhoades believed there was a way to back-bill Medicaid 30 days, and that more services would be available under the 1115 waiver. She thought that could be tied into early diversion efforts. Gennifer Moreau-Johnson said that was correct and noted that the federal authorities were looking closely at how DHSS's waiver application affected criminal justice populations.

Judge Rhoades also noted that there was an SB74-SB91- integration group at DHSS and wondered if Gennifer could give an overview of that group and the 1115 waiver application. Gennifer said she could but that anything in the application was subject to negotiations, so she would hate to promise coming services. Judge Rhoades said she would also like to hear what other needs have been identified in the integration group. Steve said he would put it on the agenda for the next meeting.

APD Jail Diversion pilot program

Norah Morse with APD gave an overview and update on APD's jail diversion program. APD initially had hoped to implement a street-level diversion program for people who would be charged with low-level nuisance/citation crimes – the things the public was complaining about. The idea was to hook these participants up with needs-based services. They worked with Partners for Progress to arrange immediate housing options and assess the participants for further needs. They had 16 officers working in two shifts on this project and had 10 initial participants, one of which was successful and is now employed.

APD quickly discovered that the real need for many of the eligible population was for detox beds. Other barriers included a need for transportation and other basic necessities, but the detox need was what stalled the program out. They are talking with the local hospitals about setting up dedicated beds for APD.

They are also looking to embed a social worker in the program and expand it to all officers on shift, and to open the program up to other crimes. With the really low-level crimes there wasn't much of an incentive to participate. They are working with Seneca Theno to see what other crimes might be suitable. Right now they are just using the municipal code offenses.

Steve asked what the detox was needed for- alcohol or drugs? Norah said it was mostly heroin/opiates. Steve also wondered what the criminal history of the participants was. Norah said they hadn't been looking too closely at that, but for trespassing typically someone would have already offended at that location to get trespassed. There also had to be some kind of criminal history for the participant to be eligible to receive services from Partners.

Judge Rhoades thought this effort was really commendable, and was an example of what CIT was supposed to be. The problem of a lack of services was not unexpected. It highlighted the need for a coordinated effort for the justice-involved population at large. All diversion and alternative resolution efforts would probably like to have dedicated detox beds. She noted that the Native Hospital used to be able to do community-based detox.

Steve added that there was also a need for detox for non-justice-involved people as well, and any detox effort would need a connection to follow-up/long-term treatment. He thought this group should track APD's efforts and help them troubleshoot where necessary.

Judge Rhoades asked if APD had looked into using Vivitrol with their program. Norah said they hadn't but were interested.

Teri Tibbet said that it was important to track the individuals in this population. She noted that she knew of one individual in Juneau whose barrier was a need for mental health counseling—someone he could call to help navigate the system to prevent him from becoming overwhelmed by the system.

Sequential Intercept Model technical assistance

Karen Cann noted that DOC planned to have their technical assistance workshop for the Sequential Intercept Model (SIM) on May 17 and 18. They had sent out many save the date memos to a variety of stakeholders across the state. The idea is that by the end of the workshop they will have a plan which will be part of the statewide recidivism reduction plan.

Steve reminded the group that at the last meeting, the group had discussed adding time onto the workshop to focus on earlier interventions. Since the last meeting he has met with Karen and Morgen Jaco as well as the technical assistance provider, and they agreed that because this group was already invited to the training, there was no need for an additional effort that might overlap with the existing effort. The workshop as is will focus on the whole SIM, and if any additional assistance was needed after that, the TA provider could follow up. Steve anticipated having a report out on the workshop at this group's next meeting, followed by a discussion of how this group could support that effort.

Committee workplan for 2018

Steve suggested developing recommendations for the 2018 report over the next three months, and asked the group for their thoughts on that timeline. Brenda agreed with that timeline. Rob did as well and thought it was important to keep the efforts of other committees in mind too. Karen thought that the group could set that timeline at the next meeting at which point they will have an idea of what ideas have come out of the SIM workshop.

Judge Rhoades thought there was still a need to discuss competency. She also wanted to loop in the reinvestment discussion. She noted this was on the agenda for the next full Commission meeting. She felt this committee was the place to keep the barometer of criminal justice reform,

and was a place to develop a strategic plan around reinvestment. She was not sure she would be at the next Commission meeting so she encouraged the other Commissioners to bring this up and suggest that this committee or another ad hoc group be formed to develop a strategic plan around reinvestment.

Barbara noted that ideally the Commission would hear this committee's recommendations at the August Commission meeting so that the recommendations could make their way into the annual report. She also updated the group that at the April Commission meeting, the sentencing group would forward a proposal on release procedures for guilty but mentally ill prisoners.

Steve noted that civil commitment was also on the Public Safety Action Plan and he has been meeting with PD and OPA representatives about this. He will update this group when any decisions are made on that front.

Public Comment

There was an opportunity for public comment but none was offered.

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