

Alaska Criminal Justice Commission  
Behavioral Health Standing Committee

## Meeting Summary

**August 29, 2018**

Alaska Mental Health Trust + Teleconference

Commissioners present: Steve Williams, Quinlan Steiner, Stephanie Rhoades, Sean Case

Participants: Randall Burns, Rick Allen, Gennifer Moreau-Johnson, Kristy Becker, Karen Cann, Kim Stone, Paul Maslakowski, Teri Tibbett, Araceli Valle, Linda Stetterberg

Staff: Barbara Dunham

### **Agenda, Announcements, Summary of Previous Meeting**

Sean Case moved to approve the minutes and Randall Burns seconded the motion. Steve Williams and Teri Tibbetts suggested minor changes. There was no objection to approving the agenda so amended.

Judge Rhoades asked to add an item to the agenda to discuss the status of the pre-trial diversion program planning. There was no objection to the agenda so amended.

### **Report Out from Seattle and San Francisco Site Visits**

Steve Williams explained that Rick Allen, Gennifer Moreau-Johnson, Sean Case, and Dean Williams had all gone to Seattle and San Francisco to investigate the law enforcement diversion programs in those cities, and they had agreed to report out on their trip.

Sean Case explained that Seattle and San Francisco were both doing the same program, Law Enforcement Assisted Diversion (LEAD). Seattle had been doing it for six years and San Francisco had been doing it for about 1 year. The intent in going to observe these programs was not necessarily to replicate what they were doing but to get ideas for implementing a similar program in Alaska and to see how such a program operates in real life.

The Seattle program had been designed as a diversion for street-level possession and prostitution crimes. San Francisco had expanded the scope of the program and Seattle was planning to do so as well. Washington criminalizes possession as a felony while California penalizes it as a misdemeanor, so it was interesting to compare the effect of having a bigger stick in Washington versus California.

Sean said his main takeaway from both sites was that he thought that Alaska can do diversion more efficiently and effectively than either. In both locations not all officers were on the same page; those who were carrying out the program as “boots on the ground” had issues with it and didn’t necessarily see what they were doing as worthwhile.

Sean also noted that many participants in each program had severe and longstanding drug abuse problems with co-occurring mental health problems, which made this a very difficult population to work with. He recommended targeting a smaller population with fewer needs first, then expanding the program to other populations once a working model is found. He still favors diversion but it needs a case

management component to address individual needs, and the model must involve a warm handoff from the officer to the case manager.

Steve asked what kind of case management either site had. Sean said that each community had different needs. In San Francisco housing was a huge issue. It also depended on whether the case opened as an arrest contact or a service contact. In Seattle, program participants would be assigned a case manager within 30 minutes. It was not so immediate in San Francisco, which left a gap in time in which a potential participant could return to reoffending or abusing substances. Where services are not immediately available, each program will do whatever is possible- e.g. a hot meal, a photo ID, etc. Getting participants to a place where they were stabilized was an extended process that would take some time. This was particularly the case when a participant was not ready to make the needed change.

Steve asked whether officers would stay with the participants until the case manager arrived. Sean said yes, they would typically put the participant in a squad car. Rick Allen added that the Seattle officers estimated that as many as 70%-90% of LEAD participants entered the program as a social contact rather than an arrest contact. Sean noted that social contacts involved less paperwork for the officers. Randall Burns asked how social contacts were initiated. Sean said they could just approach the officer, or the officer could approach a person who looked like they might want to be in the program. It used to be that people who wanted to be in the program would purposely offend in front of the officer, so they added the social contact option for entering the program.

Sean explained that unfortunately the officers in Seattle didn't have hard data on participants or on how successful the program was. They had gotten lax in data tracking. It would be nice to have data on whether the threat of jail time works as an effective stick or whether participation in the program is more driven by a participant's internal motivation to change, and the threat of a stick is irrelevant.

Gen Moreau-Johnson agreed and said she was shocked that there was not a lot of data. The site visits had made her think differently about diversion and she agreed that Alaska should have a different model. She thought Seattle was doing better than San Francisco. The latter had quite a significant homeless population, rendering the city almost unrecognizable. She noted that there was no buy-in from the officers in San Francisco, and it seemed like the program was imposed on them; they had no clear guidance for what they were supposed to do and they were not tracking fidelity. It seemed as though those implementing the program had invested too heavily in the idea of "meeting the participant where they are"—ultimately the purpose of an intervention should still be to make a change in a person's life.

Gen added that Seattle seemed to have more of a critical mass of officers who understood and believed in the program. Rick said officers could opt-in to the program while in San Francisco it was just assigned depending on the beat. Sean added that the Seattle program also had vans that would proactively approach potential participants.

Rick said that the officers in Seattle were very candid—data collection is difficult, and the program was now written into the budget, meaning there was little incentive for them to demonstrate improved outcomes. Gen added, however, that Johns Hopkins was planning to help them conduct a study of the program. Randall wondered whether the DAs might have data. Rick said he was not sure they would keep track of participants that entered the program as social contacts. Gen noted that the case managers have information that they will not/are not able to share with law enforcement or prosecutors.

Steve asked Gen whether she gleaned anything helpful to Alaska in light of the pending Medicaid reform. Gen replied that intensive case management is not really the kind of thing Medicaid covers. Something like that would have to be grant-funded. She also noted that measuring recidivism was tricky

when essentially the participants were no longer being arrested by virtue of their participation in the program. She said the part of the program that excited her the most was that information was being shared between the case manager and the parole officer.

Judge Rhoades said that this discussion reminded her of when she went to San Francisco to visit their mental health court in anticipation of establishing one in Alaska. She noted that the needed services were never going to be fully Medicaid covered. The needs of the behavioral health population vary widely, and will need varied resources. The role of a centralized program is to coordinate resources and monitor participants. The program needn't worry about where the funding would come from for every single piece.

Steve said he was hearing that it was really important to identify the target population for a diversion program. It sounded like Seattle had expanded its target population and in San Francisco it was never really well-defined. He agreed that it was important to focus on a small population and not worry about getting every piece of the program funded immediately.

Judge Rhoades said that there were populations around which new initiatives were being built, such as homeless youth. The key was to figure out the population for which there was a lot of energy and find the best way to tap into that.

Rick said he was surprised about the high number of participants entering the Seattle program via social contacts. The conventional wisdom is that you need both a carrot and a stick to incentivize an individual to change, but the Seattle program seemed to be all carrot. Judge Rhoades noted that many people came on their own to CRP because it was a way for them to access services they could not access on their own. Randall said it made sense that people ready to change would seek change.

Sean said the key was figuring out how to incentivize the people who don't want help—to figure out a way to get to them. Dr. Kristy Becker said that there will always be that population for whom neither a carrot nor a stick work.

Rick noted that there were “wet” housing models in Seattle that didn't require residents to be sober and supported them in their transition to sobriety. Steve said these models were effective in reducing substance abuse. Kristy said they were also effective in reducing hospitalizations. Rick said that they were also effective in reducing victimizations.

Steve asked what the next steps were. Sean said that he'd like to start a pilot program with a population for whom services are available. After tracking the progress of the program, it could be expanded. He also thought that it was possible to start now—there was no reason to wait for things to come on line.

Rick noted that 50% of the LEAD program participants in Seattle were women, though they were only 16% of all arrestees. Kristy said that made sense since women were less likely to be arrested for a violent crime and it sounded like the eligible population for the program was people convicted of non-violent crimes.

Gen said it was correct that violent crimes were excluded from LEAD. She also noted that the DA gets final approval of participants. Rick added that there was one DA devoted exclusively to LEAD who does not have any cases. Gen said that the program had a group data platform to share information on participants, though not all information was shared.

## **Status of Pre-Trial Diversion Program Planning**

Judge Rhoades wondered whether there was any movement to build on Mary Geddes' work, and noted there had been talk at the last plenary meeting of the Commission of using BJA funding to hire someone to continue that work. Sean said he thought the next step was to hire someone to identify a target population. He would prefer to target DV offenders, though would need more information on potential service provider partners, the cost, and the anticipated benefits. He noted the high rates of DV in Alaska.

Steve said he understood this was on the agenda for the next plenary meeting on September 24. He had been chatting to Sean about this and had suggested also using the BJA money to identify what services would need to be in place to address the needs of the behavioral health population.

Steve asked Sean whether the idea was to get a pilot program ready for Anchorage. Sean said that eventually he'd like such a program to go statewide, but APD was willing to carry this out and Anchorage was large enough to find a suitable target population. Teri Tibbett added that community readiness was an important component—whether the community was able to handle a new program.

Judge Rhoades noted that clinical and legal eligibility were different considerations. People who commit DV crimes make up a large population; some can have a mental health diagnosis. She would like to see some data on this population.

Randall added that DBH had issued an RFP for a crisis stabilization center. If there was a response from Anchorage, the two projects could be coordinated as there would be a lot of overlap in terms of police involvement.

Judge Rhoades asked what the next steps were. She imagined that if this were to be a DOC project they would need to develop a proposal with a budget.

Karen Cann said that she was not sure DOC would take the lead on this. She knew that Sean wanted to move forward with law enforcement diversion and this would address a population who would then never get to DOC's door. They were happy to help support Sean and APD in this effort. Steve added that he had talked to Dean Williams and Sean about potential uses for the BJA money and it sounded like the previous idea about cross-training with COs from Norway was now off the table.

Barbara Dunham explained that the Commission had two tasks at its next plenary meeting. One would be to discuss how to use the BJA grant money, for which Alaska was eligible by virtue of going through the JRI process. The Commission would apply to BJA for that grant and it would be administered by the Crime and Justice Institute (CJI), Alaska's technical assistance provider for JRI. The Commission could decide on its own how this money should be used though the legislature would need to approve of the receipt of federal funds by a state agency. The other task was to make recommendations to the legislature regarding how reinvestment funds (i.e. state dollars) should be spent.

Sean said he had a draft of the Seattle LEAD program description that he could use as a template for applying for BJA funds for a pilot program in Anchorage. Steve said he would follow up with committee members individually to make sure that all elements were defined. Karen said she could also forward the position description for Mary's position as there would be overlap.

## **2018 Committee Recommendations**

Steve noted that the discussion thus far had addressed only one intercept in the SIM and asked what the will of the committee was regarding making recommendations that perhaps addressed the other early intercepts. At the last meeting there was some interest in developing a crosswalk with the committee's 2016

recommendations and the more recent SIM workshop recommendations. He noted that the report from the recent workshop was still not finalized. Karen added that DOC had received a draft from the TA provider the previous week but they were still working on revising it. She could send out the draft once it was revised.

Steve said he had gone over his notes from the SIM workshop and recalled that the workshop had identified five primary recommendations:

- Crisis drop-off center(s)
- Crisis Intervention Training (CIT) with a co-response element
- Data sharing
- Intensive case management (non-Medicaid services)
- Peer mentoring with a forensic training component.

Steve noted that the first three of these had also been identified in this committee's 2016 recommendations. He also noted that DBH's RFP for a crisis stabilization center might overlap somewhat with the drop-off center idea; the drop-off center was not intended to be a residential center but a safe indoor waiting facility. Randall said the RFP was flexible enough to cover a drop-off center too. The idea was that people would be there for 24-72 hours, perhaps a maximum of 5 days.

Steve said he thought the committee could forward support of the crisis drop-off idea to the full Commission, noting that it was already part of several different plans. Judge Rhoades asked what the committee needed to weigh in on. Steve said that there were people other than commissioners on the committee and that it would be valuable to get their input. The committee could identify priorities for the Commission; he noted that Rep. Claman and Sen. Coghill had said it would be helpful to get focused recommendations from the Commission rather than a laundry list.

Kristy said she thought it made sense to start incrementally. For example, it wouldn't make sense to have a CIT with a co-response without a drop-off center. Judge Rhoades agreed and suggested identifying what things could be moved forward now and were priorities. Karen agreed and thought it would be best to ask for the Commission's support for things that were achievable near-term.

Judge Rhoades said she thought it sounded like the committee could support a crisis drop-off; it sounded like DHSS was on board. There was no objection; the committee agreed to forward this idea as recommendation to the Commission.

Judge Rhoades said she also thought it sounded like there was support for improved data sharing. Karen said she agreed and that there was movement on that in other areas, including at DOC. There was no objection to also forwarding this idea.

Judge Rhoades noted that CIT with a co-response (such as a case manager who responds alongside law enforcement) was one alternative for effective CIT; the other was CIT with a drop-off center. She wondered if Alaska needed both. Steve observed that the Public Safety Action Plan just recommends expanded CIT training without an additional element. Judge Rhoades said that law enforcement's biggest complaint with CIT was that there was no place to send people in crisis. There had to be some mechanism to take these people of law enforcement's hands.

Kristy thought you could have both models without redundancy. There will need to be some place for people to go, but a mobile response can also do triage—not everyone will be going to the drop-off center.

Judge Rhoades asked if the committee could agree on forwarding both the CIT with a co-response and the crisis drop-off center ideas as either/or recommendations for the Commission. There was no objection.

Teri said she thought this made a lot of sense; these ideas would also address the public concerns about “catch and release” and there not being any place to put individuals who are causing trouble. It would also address some of the law enforcement frustration with criminal justice reform.

Steve said, in summary, that the committee would generate a short memo to the Commission explaining that these three ideas – CIT with a co-response, a crisis drop-off center, and improved data sharing – are the committee priorities.

Randall asked whether there would be any recommendation regarding the BJA funding for a diversion consultant. Judge Rhoades asked whether the committee could also make a recommendation about that. Steve asked whether there were any thoughts on including the behavioral health element [e.g. identifying what services would be needed to support a diversion program for the behavioral health population] in the BJA funding proposal. Randall said he thought that made sense.

Steve said that he and Barbara would work on drafting a memo with these recommendations and send it around to the group. If need be these ideas could be fleshed out more later in advance of the Commission’s report, due November 1.

### **Public Comment**

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