

# Alaska Criminal Justice Commission Behavioral Health Standing Committee

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**January 12, 2017**  
Alaska Mental Health Trust  
Meeting Summary

Participants: Jeff Jessee, Randall Burns, Stephanie Rhoades, Steve Williams, Laura Baez, Kristy Becker, Karen Forrest, Walt Monegan, Quinlan Steiner, Steven Bookman

Staff: Susanne DiPietro, Barbara Dunham

## **Introductions**

Jeff Jessee called the meeting to order and asked participants to introduce themselves.

Judge Rhoades brought the group up to speed on the efforts of the previous iteration of this group, the Behavioral Health Working Group. The Working Group had used a tool called the Sequential Intercept Model to identify areas in the criminal justice system where the needs of individuals with behavioral health issues could be better addressed. The Working Group came up with a comprehensive list of recommendations, and forwarded seven of them to the full Commission. The rest of the recommendations either were not statutory fixes or needed more time for consideration—thus the creation of a Standing Committee. The idea with having a Standing Committee was to have the policy-level decision makers at the table to get broad based support for recommendations.

## **Membership & Participation**

The group discussed ensuring the participation of a victims' advocate, as this was included in the motion to create the standing committee. It was decided that Jeff will reach out to Brenda Stanfill, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) board member and Commission member, to gauge her interest in participation or seek her recommendation for a victims' advocate participant.

The motion to create the committee also envisioned participation from rural tribal health providers and urban health providers who would have a practical perspective on the day-to-day operations of behavioral health systems.

## **Review of Previous Recommendations**

Judge Rhoades reviewed the comprehensive list of recommendations developed by the Behavioral Health Workgroup in 2016. These recommendations followed the Sequential Intercept Model (SIM), identifying areas for improvement at each stage of a person's involvement in the criminal justice process. The workgroup had developed a number of recommendations for each intercept, and forwarded seven of these recommendations to the full Commission.

### Intercept 1

The first intercept was contact with law enforcement. The recommendations in this area were to provide crisis intervention training for dispatchers and law enforcement, and to provide linkages to services for those identified through this training to have behavioral health disorders. Jeff asked Commissioner Monegan whether there was centralized training for dispatchers. Commissioner Monegan replied that there wasn't exactly- there are two larger training centers in Fairbanks and Soldotna. All dispatchers have to go through an academy. He also noted that for dispatchers, it's hard to assess potential mental health conditions on the phone.

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Barbara noted that there had been a law enforcement leadership conference in December where there had been a presentation on the crisis intervention model. Many of the law enforcement leaders had expressed concern that even if a behavioral health condition was identified, there were no services to meet those needs—no place for these individuals to go. Dr. Becker added that there was no mental health crisis drop off facility. Jeff said that even without the needed follow up services, the training was better than nothing.

Judge Rhoades said she was doing this training with local and state law enforcement officers this coming spring, and had already done one in Anchorage. She was hoping to have one in Fairbanks as well. She noted there was also improved training in the trooper academy. There was a need to constantly keep up with this kind of training because of staff turnover. The main concern is having a co-response to this training—having a drop-off point to bring individuals with such needs. Steve Williams said that the Trust is working with people in Juneau to develop a co-response there. Judge Rhoades then wondered whether this was something best left to localities or whether this was something the Committee should address.

Randall Burns noted that the weeklong training required for crisis intervention training was expensive, and if the Committee decided to take up this issue it would need to look at funding. Commissioner Monegan suggested keeping this item on the agenda to maintain some attention to this issue. Jeff Jessee noted that it was the responsibility of the Commission to make recommendations and not necessarily worry about the details of implementation. Susanne mentioned that the Commission can also make recommendations for use of reinvestment money for things like this. Randall also suggested working with the Municipal League on this.

### **Next steps:**

- **Add CIT training (inclusive of dispatchers and a co-response model) as item for committee work**

### Intercept 2

The group then turned to the second sequential intercept: initial detention and court hearings. Possible interventions at this stage include mental health screenings, treatment and medication handoffs, and diversion. SB 91 has a provision requiring DOC to implement a pretrial diversion process.

Judge Rhoades noted there is Trust funding for pretrial diversion—currently some of that money is being used by the Mental Health Court. Steve explained that the Discharge Incentive Grant (DIG) funding for release planning being used for the Court. There are also Assess, Plan Identify, and Coordinate (APIC) funds which are used for release planning for misdemeanor cases targeting individuals not involved in a therapeutic court.

Jeff suggested that if this area was going to stay on the agenda that the group should invite Geri Fox from DOC. Judge Rhoades also suggested bringing in a prosecutor; there would need to be prosecutor buy-in for a pretrial diversion program. Randall asked what was happening now with the pre-trial implementation group, and wondered whether these efforts might be duplicative. Judge Rhoades suggested it could be a joint conversation. Karen Forest said that Diane Casto had been sitting in on the pretrial implementation meeting and found that to be a useful linkage. The group decided to keep pre-trial diversion on the agenda although it would not be an urgent agenda item—just something to keep tabs on what the pre-trial group is doing.

The group also discussed information sharing at this intercept stage. Commissioner Monegan noted there was a need for dispatchers to have mental health information, but Health Insurance Portability and Accountability Act (HIPAA) rules complicated things. Judge Rhoades noted that in Anchorage, some of this information is on Alaska Public Safety Information Network (APSIN), but it is observational, not clinical information. Commissioner Monegan thought that if there was more information sharing at this

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stage, fewer people would fall through the cracks. He noted the Santiago case might have benefitted from this. Judge Rhoades said this was an indication to have something more broad than just an officer safety flag in APSIN. It was suggested that a smaller workgroup could form to draft the release of information (ROI).

### **Next steps:**

- Add development of jail diversion program, within DOC's pre-trial services, for persons with behavioral health disorders as item for committee work
- Add development/implementation of a standardized release of information form to be used by State funded community providers as an item for committee work of select members

### Intercept 3

The group then turned to intercept 3, which involves jail time and court cases. The comprehensive list of recommendations for this intercept included ensuring up-to-standard treatment services and medication for inmates, expansion of specialty courts, implementing a centralized competency calendar in each district, and connecting inmates to Medicaid so that benefits are received or reinstated on reentry or during participation in specialty court or diversion programs.

Regarding treatment and medication for inmates, the group noted that a big issue here was that there was no way to order an un-sentenced person to complete treatment pretrial. There was probably a need to have someone from DOC also involved in this conversation. Dr. Becker suggested that there was a need for statutory clarification here- they need to know when they can medicate people.

Regarding the centralized competency calendar, it was noted that this worked well in Anchorage. Dr. Becker said that in other areas of the state Alaska Psychiatric Institute (API) runs into problems in other districts where this is outside the normal practice of certain judges and attorneys. Judge Rhoades moved that the Criminal Justice Working Group take up this topic.

It was also noted that there was a Criminal Justice Working Group subcommittee devoted to specialty courts. Karen Forest informed the group that the Medicaid enrollment/reinstatement initiatives were being implemented.

### **Next steps:**

- Include on the next meeting agenda the discussion of access to medication and mental health treatment for persons under the care/custody of DOC, inclusive of those who are gravely disabled
- Revisit the progress/status of expanding the Third Judicial District's centralized competency calendar model to other judicial districts after September 2017

### Intercept 4/5

Intercepts 4 and 5 focused on reentry and community corrections. The Commission already recommended the first proposal on the comprehensive list, which was to draft a universal ROI. It was suggested that a smaller workgroup could form to draft the release of information (ROI).

### **Next Steps:**

- See Sequential Intercept #3

### **UNLV Report**

The group turned to discussing the UNLV report (May 2015). Judge Rhoades informed the group that DBH was looking into the report per the request of the Commission and that a report on their findings was due in September. She also noted that the UNLV report's findings were reinforced by the findings in the Western Interstate Commission for Higher Education (WICHE) report, which was recently released.

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Randall Burns said that he had also been looking at the WICHE report and noted that it was looking whole cloth at behavioral health systems. He suggested putting the UNLV study on the agenda later once Division of Behavioral Health (DBH) has submitted its report.

**Next Steps:**

- Add the committee's review of the UNLV report recommendations as a future agenda item

**Drug treatment and treatment capacity**

The group decided to keep monitoring the state's substance abuse treatment capacity on the table so as to make recommendations as to how future criminal justice reinvestment funding may be implemented. Susanne thought it would be useful to look into capacity for treatment. Karen explained that the \$6 million for gap funding of substance use disorder treatment was about to go out. There were more applicants for the money than grants. Judge Rhoades noted that there was a difference between substance abuse treatment capacity and mental health treatment capacity.

The group also discussed ways to get drug offenders and others with addiction issues into treatment if they aren't being sentenced to jail time. Susanne thought there should be a way to get these misdemeanants an assessment. Commissioner Monegan noted that with the budget cuts, these types of offenses are not being investigated let alone prosecuted.

**Next Steps:**

- Add monitoring the state's substance abuse treatment capacity as a standing agenda item

The next meeting for the Committee was set for March 9, 2017 (10:30 – 12:00p). The group will meet the 2<sup>nd</sup> Thursday of every other month.