

Mental Health Response Advisory Committee (MHRAC)
Meeting Minutes
Tuesday, April 16, 2019

In Attendance:

Co-Chair Danny Whatley, The Rock at Noon Day
Co-Chair Rick Miera, Executive Committee
Gilbert Ramirez, CABQ-Dept. of Family & Comm. Services
Robert Salazar, NAMI/Peer Representative
David Ley, NM Solutions
Lieutenant Matt Dietzel, APD CIU
James Burton, Peer Representative
David Webster, Bernalillo County Behavioral Health
Betty Whiton, NAMI
Laura Nguyen, Albuquerque Ambulance
Nils Rosenbaum, MD., M.P.H., APD Behavioral Health Division
George Mercer, Albuq. Health Care for the Homeless
Detective Matt Tinney, APD Crisis Intervention Unit
Rob Nelson, APD/C.O.A.S.T.
Bridget McCoy, MD, UNM Department of Psychiatry

Non-Voting members:

Deputy Chief E. Garcia
Sergeant D. Dosal
Scribe: Lori Cruz, APD

Absent:

Paula Burton, Peer Representative
Johnny Martinez, NMVIC/FIC

Meeting was called to order at 5:01 PM. A quorum was met at time of start.

Welcome first time guests:

Troy McGee, NM Solar Group
Laura Johnson, Senior Attorney, Armstrong Law Offices**
Honor Joseph, Hopeworks, new MCT Clinician
Nate Jackson, Albuquerque Ambulance
Sarah Rodriguez, Albuquerque Ambulance

** Danny Whatley addressed the board. Laura Johnson's letter of interest was emailed to the board on April 16, 2019. Nancy Koenigsberg feels she would be a terrific addition to the board. A motion to accept Laura to the board was made by Rick Miera. The motion was second by Betty Whiton and approved.

Approval of meeting minutes

There was a motion made by Dave Webster to approve the minutes as written. Laura Nguyen asked that the minutes reflect her new position. The motion was then second by Laura Nguyen. The minutes were approved with the requested change.

Public Comment (two minutes per person, 15 minutes total)

No public comment.

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Draft Homeless Encampment Ordinance Discussion by Lisa Huval

Lisa Huval began by distributing copies of the draft ordinance. Provided background information: the Department of Family and Community Services has had a Public Outreach Program Manager position. In the past, when the City would receive a call regarding an encampment on public property, the Manager would go out and inform the individual(s) that they would need to pick up their camp and move. This included picking up all trash. The City determined that they needed a more formal protocol. What started as one page turned into an eleven page ordinance. Important to lay out what the City's responsibilities are. To safeguard the City and to inform the public what the City's policies are. Reviewed Seattle's protocol. As a result of a lawsuit, Seattle came up with protocol. It has been accepted by the courts. The City's protocol is similar to Seattle's. Will have to go through a public process. Requires City Council approval and comment. Not too sure when it will go to Council. Currently do not have a sponsor. Assistant City Attorney Nick Bullock was unable to attend this meeting. Lisa Huval then proceeded go over specific sections of the protocol. She did point out that there were no criminal penalties. They removed that provision which was in the Seattle protocol. A City employee will be responsible for going out to reported encampments, and inform individuals that the encampment must be removed and provide them with alternatives. The City employee will post a notice citing removal date. The process places a burden on FCS to make sure they are referring to places that have the capacity. The City employee will be responsible for visiting the site between the time of posting the notice and the removal date as well as the date of removal.

(Q) Questions, (A) Answers, (C) Comments:

- Q: Danny Whatley: Who is going to be the outreach person doing this?
- A: Lisa Huval: Not too sure. May be COAST personnel or the Public Outreach Program Manager or it may be contractual or community providers.
- A: Lieutenant Dietzel: It will not be COAST personnel.
- A: Lisa Huval: To be totally honest we are still trying to figure that out.
- Q: Barri Roberts: Has there been any altercations with individuals when they were enforcing it?
- A: Lisa Huval: Not too sure.
- Q: Danny Whatley: So are you saying there will be no law enforcement presence?
- A: Lisa Huval: It would be dependent on if he fills there is a reason to call APD. Normally, the Outreach Program Manager goes out and does so without any altercations. Police presence does help move things along.
- C: Lieutenant Dietzel: This would be a very low level response call. It would have to be a second level for an officer response. Dispatch now depends on the new 911 call system.
- Q: Rick Miera: According to Page 3 Line 5, "under control of the City of Albuquerque", to all intents and purposes it includes all within the City of Albuquerque. Does this include under all bridges?
- A: Lisa Huval: Yes, under all bridges.
- Q: Page 2 encampment doesn't have a time frame. Is there a time frame?
- A: Lisa Huval: There's not really a time frame.
- Q: How does the Public Outreach Program Manager identify himself on the radio?
- A: Lisa Huval: I don't know. An officer trained him. He also went out with the previous Outreach Program Manager, Angelo. I'm sure if he had any questions he could call APD.
- C: Sergeant Dosal: Yes
- Q: Barri Roberts: Is transportation provided?

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- A: Lisa Huval: the policy does not address transportation. Will check with providers of bus passes.
- Q: Danny Whatley: Question regarding storage of property. With the new ID requirements there is an inability to pull documents. Is there any way to have an agency pick up those items?
- A: Lisa Huval: There is no provision. Will look into this.
- Q: Albuquerque Ambulance: In reference to Page 4, line 18. Outreach personnel will be responsible for assessing if there is apparent life-threatening injury. Will this continue to be the same? And if this is large encampment involving multiple individuals?
- A: Lisa Huval: It is the same process regardless of the number of people involved.
- C: Albuquerque Ambulance: A camp of one or two is possible but a camp of 20 – not possible. Albuquerque Ambulance will need to draw from 911. Maybe need to decide or come up with back-up personnel to handle this or staff with additional providers.
- C: Lisa Huval: Average of 1,300 homeless on a given night. Will have point in time data sometime in May.

Lisa Huval then went over specific sections in pages 7 through 10 of the protocol. For the majority of the time, individuals are moving on when asked. Subsection 9: tricky area. What is trash to one may not be trash to another. If ordinance passes, will need to come up with a more detailed SOP. A notice will be posted at the site where an Encampment has been removed and the site cleaned up. Notice will stay up at least 10 days. FCS will also post on the City website. Have not determined how the personal property removed from an Encampment will be transported. FCS has not identified a site. ID is not required to get personal property.

(Q) Questions, (A) Answers, (C) Comments:

- Q: How many encampments do you think there are?
- A: Lisa Huval: I don't know. Will get back to the group.
- Q: Hundreds, 10s, 20s???
- A: Lisa Huval: No idea.
- Q: Danny Whatley: What are we going to do with frequent flyers?
- A: Lisa Huval: Good question, don't know. We have a work group. How do we do a better job on our outreach? Supportive housing may be a possibility.
- Q: Laura Nguyen: How do you prioritize your removal?
- A: Lisa Huval: We do not have a protocol. Is there a hazard? Judgement by Sebastian.
- C: George Mercer: Valid attempt to organize and put structure, however, it assumes that people in encampments don't know about resources. They do. It comes down to the fact of lack of mental health resources. Have suffered emotional trauma. These people will now be facing addressing additional stressors by it. They will just move from one area to another. There will be shuffling. I think where there is some improvement is it is a responsibility of the City to find resources. It is an improvement on our system.
- Q: Have you met with Civil Liberties?
- A: Lisa Huval: We've met with the Coalition to End Homelessness, and will meet with the Homeless Advisory Council on Thursday. We have a meeting with plaintiff McClendon. Then we will meet with the ALCU.
- Q: Rick Miera: How long is an encampment? You are just moving them along. Every morning there is an encampment in one area and then they move to another. Have you spoke with the county if they move there?

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- A: Lisa Huval: No
- Q: Do you think the ACLU will come back like they did with the panhandling ordinance?
- A: Lisa Huval: We will be meeting with the ACLU. Hopefully that will work. Seattle did go through the courts and their ordinance was approved.
- Q: Dr. Bridget McCoy: What group resources did Seattle utilize to get this?
- A: Lisa Huval: I don't know.
- C: David Ley: I am concerned that illegal material may be identified during this process and result in prosecution.
- C: Danny Whatley: MHRAC believes anything involving homelessness and mental health needs to go through the monitor.
- C: Lindsey Van Meter: This is not an APD policy so it does not involve CASA. Will provide a copy to the monitor once it is approved.
- C: Danny Whatley: Does not agree that it will not affect APD.
- C: Lieutenant Dietzel: Agrees. Believes it will impact APD. APD will need to come up with a policy.
- C: Lindsey Van Meter: Does not believe APD will be involved in the process unless it becomes an emergency.
- C: Rick Miera: The ordinance says any City of Albuquerque employee. Officers are employees. So it does affect APD. This is a civil ordinance. Should therefore identify that it will not be an APD employee. It's a civil ordinance issue.
- Q: Rick Miera: After hours how will it be handled if 311 is not available? Will they call 911 or 242-COPS?
- A: Lisa Huval: No it will be either 311 or online.
- C: Danny Whatley: Do not believe that this policy can stand without APD presence. There has to be walking orders for the officers who will be getting calls for this. Backward addressing of this issue.
- C: Lieutenant Dietzel: Will not be issuing tickets over this. Now the storage of property is being handled. We are already doing civil enforcement. This is already essentially being carried out.
- Q: Audience: This is just another level added. No arrest. Just shuffling. Is there any data on costs – on what the shuffling will cost?
- A: Lisa Huval: No.
- Q: Barri Roberts: Statute if homeless person becomes aggressive. Will that arise to level it will be considered bodily harm? Is this similar to the law that if aggressive with health care worker then that's considered bodily harm?
- A: Lisa Huval: I don't know.
- Q: Laura Nguyen: What about those unable to move their own items?
- A: Lisa Huval: Good question, haven't considered that.
- C: George Mercer: Homeless are smart. Have found ability to find safe places with others. This will cause them to move to unsafe locations. We are taking away those safe places for them. Causing more problems.
- C: Lisa Huval: Agrees but we aren't changing what we are currently doing.
- Q: Albuquerque Ambulance: What is the driving force behind this initiative? Is this due to public hazard?

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- A: Lisa Huval: This is about the friction of those living outside with those who are businesses or those who live nearby. Best effort to find middle ground between the two. It's just a tool in our tool box while we are addressing the bigger picture, more affordable housing.

CET Referrals Discussion by Betty Whiton

We have postponed this discussion twice. During one of our Behavioral Health Initiative meeting, a CET engagement team had concerns about the referral process. I have invited him three times to MRHAC and he has failed to show all three times. I met with Sergeant Dosal and discussed the concerns. Issues were more on the CET engagement team's side. Will handle this through BHI.

Presentation of the APD Patch for May, Mental Health Awareness Month by Betty Whiton and Sergeant Dosal

Betty Whiton stated that profits from the sale of the patches will go to NAMI. Sergeant Dosal came up with the plan. Sergeant Dosal mentioned APD's breast cancer awareness patch gave her the idea. She stated that Betty has been working with CIU and that NAMI takes part in CIU's trainings. During the trainings, the NAMI panel shares lived experiences. Betty has been very helpful with the selling of the patches. According to Betty the collaboration between BHI, NAMI and CIU has been very successful. We are able to talk about those successes. Betty mentioned that she and Sergeant Dosal will be presenting a patch to each of the NAMI National Council Members in Seattle.

Medicaid and Home Visits Discussion by Jim Ogle

Jim Ogle introduced himself. Mentioned that he has been an advocate for a number of years. Status report on Medicaid and home visits. Provided background information. Three years ago MHRAC started looking at body cameras. Video tapes are public record. As a family member, want to feel comfortable to call police and not worry everything will be on you tube. He is on a task force. There are member of the public who want everything regarding police public record. There are civil cases involving people who are experiencing a mental health crisis where police are involved. General agreement is that this should be protected, however as mentioned above, there are people against government privacy. Human Services Department was petitioning to make mobile crisis team calls to be Medicaid available. As of January of this year. Medicaid only covers only covers medical. Question of whether video tapes are protected. The MCT clinicians are doing assessments whether someone need to receive medical assistance. MCT defines what they are doing for medical services. The Human Services Department determined they are protected. Now the question is: how is the system going to be operated? How will they get this done? How will they protect this stuff? Legislative House Bill. Describes what need to be protected. Many were not aware of that code. All this has to be taken into account.

(Q) Questions, (A) Answers, (C) Comments:

- C: Lindsey Van Meter: Have been doing research. Definition of health care provider. Is a clinician a health care provider? Will need to look into another area because this does not fall under HIPPA.
- C: David Ley: governs the provider not releasing the information. If my team released it, it would be a violation. If police release video they are not covered by HIPPA.
- C: Lindsay Van Meter: Agrees

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- Dr. Rosenbaum: the clinician and MCT are making an intercession. Similar to a receptionist in a treatment provider's office. I think it is covered because the clinician is a health care provider.
- C: Rick Miera: Reference to statute. Have to look at how they determine the rules and regulations.
- C: Barri Roberts: have always thought it was in the statute.
- C: Jim Ogle: believes it is covered regardless of whether it is just a single officer call or a MCT.
- Q: Rick Miera: to Lindsey Van Meter – in your opinion in regards to HIPPA, is there a significant difference between an officer doing what an officer would be doing versus a MCT?
- A: Lindsey Van Meter: MCT clinician is a health care provider. An officer is not a health care provider. Any records made by an officer falls under IPRA. Clinicians fall under HIPPA.
- C: Dr. Rosenbaum: As a clinician, I would not film because if it goes to court it would be public record.
- C: James Burton: Individual had an incident. The insurance company sent out the police. It was an outside party that called the police. That interaction became public record. They are basically requiring individuals to provide medical information while that individual is in a crisis that will become public record. Those records are then allowed to be sold. This could result in that single officer and the City to be sued.
- C: Lindsey Van Meter: The City is sued regularly. Being sued might clear things up.
- Q: Detective Matt Tinney: If officer are dispatched and we take them to the hospital, would they be subject to public record?
- A: Lindsey Van Meter: will need to look in depth at regulation provided.
- C: Rick Miera: during discussion in Santa Fe, we were under the impression this would help us. IPRA is a big exception for law enforcement if there is a criminal violation. APD is trying to avoid it becoming criminal.

Report and update from CIU, APD and Dr. Rosenbaum

Dr. Rosenbaum: I am in the process of applying for an Officer Self Care grant through VALOR. One of our clinicians is leaving.

Assistant City Attorney, Lindsey Van Meter was present to answer any questions, if needed.

Report and update from C.O.A.S.T.

C.O.A.S.T. is now conducting Outreach at 9:30 a.m. We are making more contacts with this change in time.

Report and update from sub-committees:

Information Sharing Sub-Committee:

Lieutenant Dietzel: The Information Sharing Sub-Committee did not meet this month. Both the Information Sharing Sub-Committee and the Resource Sub-Committee has been experiencing a dwindling in membership. Lieutenant Dietzel asked if it was possible to combine the two sub-committees. Danny Whatley confirmed that it was possible and had in fact been done in the past.

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Lieutenant Dietzel will send out emails to both Sub-Committees' members to determine meeting dates, locations and times.

Training Sub-Committee:

David Ley: The Training Sub-Committee will be meeting this month.

Resource Sub-Committee:

Gilbert Ramirez: Acknowledged that COAST personnel attended a Mental Health First Aid for Youth Training provided by the City. Members of the Resource Sub-Committee would like to shift focus from the regular population to police officers. James Burton stated there was still a stigma for police officers when it comes to officer self-care. Maybe consider an option of mandated treatments. Richard Burton asked if this topic could be added to the May MHRAC Agenda. The legislature is now recognizing PTSD for firefighters. How much higher is the likelihood of PTSD for Police Officers over Firefighters? Danny Whatley: How does this fit in the CASA as an MHRAC responsibility? Dr. Rosenbaum: it does fit in the CASA.

MHRAC Final Discussion:

Danny Whatley, along with several other individual from other organizations, met with Mayor Keller. Those seeking asylum will fall on existing services. It is anticipated that those individuals may need to wait 2 to 3 days in Albuquerque before moving on and as such will become involved in services. Danny Whatley believes this will definitely be a stretch for the providers and law enforcement. Will happen sooner rather than later. The City of Albuquerque will be looking for volunteers for services not housing. Rick Miera stated that Inter-faith Communities will be utilized. Will use the same services used by MHRAC.

Adjourn

Meeting adjourned at 7:01 PM