

**Mental Health Response Advisory Committee (MHRAC)**  
**Meeting Minutes**  
**Tuesday, July 18, 2017**

Co-Chairs Danny Whatley and Rick Miera

Scribe: Cynthia Martinez

Meeting called to order at 5:03 pm, quorum of 11 was met at time of start.

Welcome to First Timer(s): Dr Eide with Metro Detention Center, PSPG Clinicians, and Antoinette Telles APD Records Division Manager

Motion made by Nancy Koenigsberg to approve June meeting minutes as amended.

Second by Rick Miera.

Minutes approved 11-0

**Public Comment**

Welcome Dr. Eide with Metro Detention Center (MDC). Dr. Eide attended tonight's MHRAC to discuss the Arnold Risk Assessment Tool that is now being used by the Bernalillo County Courts. With this new assessment tool being used MDC is no longer able to provide long term care to those in crisis who need time to be stabilized. Currently MDC is one of the biggest Mental Health Providers in the State and has become the defacto State Hospital. There are no facilities for the severely/violent mentally ill. They are unable to get housing services and are unable to survive on the streets. Haven, UNM, and Kaseman do not have the ability to provide services. MDC was filling the gap but are no longer able to. Dr. Eide recently had someone who was classified as violent, has a TBI, and on drugs released the next day. The family was scared of them and unable to assist them once they were released. People in this situation cycle through continuing to pick up multiple charges, being released without services, and only getting worse due to chronic stress diminishing their ability to function. Chronic homelessness causes chronic stress.

Nils Rosenbaum, M.D. asked how MHRAC can help and if Dr. Eide or anyone else had any suggestions. Dr. Eide deferred to Detective Bonnie Briones. Detective Bonnie Briones stated that CIU has been working well with MDC and the immediate concern is housing. When someone violent is released and the family has a restraining order they won't have anywhere to go. Housing and food are the biggest needs. UNM is unable to keep people and those in need, need resources. Danny Whatley suggested Outreach or Mental Health Court. Detective Bonnie Briones stated it might be a quick fix if people are willing to volunteer, but what is really needed is case management. The Police and MDC are currently the handling these cases and need someone to work with them. Nancy Koenigsberg stated that in 1998 the State was granted the

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Medicaid Managed Care Waiver but there is no case management, no resources, and no way to get them. This is something the courts need to understand and know what is going on, know the story. She stated that the CIU has done great. We need to continue to put upward pressure to make a change. Dr. Eide stated because of the DOJ settlement agreement CIU detectives are allowed to go to those in crisis but are not able to take them in. MDC has been the State hospital. McClendon Decree of Jail Diversion is not helping. Jail diversion is treatment diversion. Nils Rosenbaum, M.D. stated that resource infrastructure takes time. A petition to change the Arnold Risk Assessment Tool might be faster. Dr. Eide stated that pre-trial needs to allow time to stabilize and not sign them out before they are stabilized.

Dr. Peter Winograd brought up the ALERT system being used by APD and the courts for criminals, maybe this program can help to create a way of getting information to the court system about people who need time to be stabilized. Danny Whatley stated that dropping the charges isn't good either. Dr. Eide stated that UNMH was set up as a casita to New Mexico Behavioral Health Institute in Las Vegas and Fort Bayard Medical Center. Those suffering from severe mental illness are being banned from places like UNM and Kasemen. MDC is the only place people are getting the treatment that is needed. While those with Low IQ's are ending up in jail is not appropriate. Rick Miera asked Dr. Eide if she had the raw numbers on how many people MDC treats/stabilizes. Dr. Eide stated that she doesn't have the exact number but PAC Unit 1 serves 20-25 men, PAC Unit 2 serves 20-25 men, PAC Unit 3 serves 30 men, and PAC Unit 4 serves 30 women. Safely serves the chronically/violently mentally ill. MDC is the only place with the facilities and staff to manage and help the violently mentally ill. Feedback from the Behavioral Health initiative. Need to focus money on the severely mentally ill. Danny Whatley suggested speaking with the Forensic Intervention Consortium (FIC). Nancy Koenigsberg stated that data is what is needed to get the 2<sup>nd</sup> Judicial Court to listen. Getting the data to Judge Nan Nash, maybe this system works in other places. Dr. Eide stated that this assessment is being used in Arizona, Colorado, and Kentucky. Nancy Koenigsberg stated that people need to know that MDC is the largest Mental Health Provider in the state. Rick Miera invited Dr. Eide to attend the Jail Oversight Committee meeting on July 19<sup>th</sup> at 5:00pm to present this issue. Thank you Dr. Eide for coming and presenting this information.

### **Discussion of proposed action plan to address McClendon vs City of Albuquerque**

Danny Whatley presented the City of Albuquerque's proposed action plan. Nancy Koenigsberg clarified this is not McClendon vs City of Albuquerque this is the DOJ vs City of Albuquerque and this came about because Judge Brack had questions and the City of Albuquerque requested time to address the all the concerns. This is the City of Albuquerque's action plan. A few minor edits need to be made. The Behavioral Health Division response is incorrect and will need to be updated. The comment on CNT Training will need to be updated as well. BHD/CIU will not be conducting the CNT Behavioral Health Training. Nancy Koenigsberg informed all that this happens and can be corrected with an amendment filed with the courts. Commander Sullivan stated that any corrections that Officers find please submit to him and he will pass them onto the City Attorney.

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### **Status and discussion of administrative support position**

An administrative assistant was selected but had to refuse the job due to family medical problems. The next round of interviews will be the first week in August.

### **Discussion concerning Training Sub-Committee review of CIT curriculum**

Reviewed the letter. Will read and give comments to Cynthia Martinez.

### **Discussion and review of CNT curriculum**

Danny Whatley stated that MHRAC has received the CNT curricula from Lieutenant Mizel Garcia submitted through Deputy Chief Eric Garcia. Richard Burton stated that the subcommittee needs to review the curricula. Danny Whatley stated he will make sure to resend the curricula to the Training Subcommittee. Lieutenant Mizel Garcia stated he would be submitting the curricula to NM DPS on August 5<sup>th</sup>. Paula Burton stated the curricula will be reviewed on Monday July 24<sup>th</sup>.

### **Report and update from APD/CIU**

Detective Matt Tinney informed the Board that CIU will be assisting in re-writing the State Behavioral Health Curricula. The State likes the CIT format and would like to see the updated curricula in the same format. Nils Rosenbaum stated the current State curricula is from the 80's. He also informed the Board that CIU is attempting to get the CIT Knowledge Network/ECHO Clinic accredited to be used as continuing education/refresher courses for eCIT certified officers. If they attend eight (8) hours of training it will count for the refresher course that is required by the settlement agreement, if it becomes State Accredited. Danny Whatley stated that Albuquerque will be the Hub of Behavioral Health Training in the State. Detective Matt Tinney informed all that the Middlesex County Police Department came out for the CIT Knowledge Network boot camp and would like to see the clinics accredited so they can attend and get their continuing education credits as well. Nancy Koenigsberg congratulated CIU.

### **Report and update from subcommittees**

**Training Subcommittee** – The next Training Subcommittee meeting is Monday 10:00 am at the Family Advocacy Center. Paula Burton asked that those attending remember to bring successes to start work on the yearly report.

**Information Sharing** – Nancy Koenigsberg stated the review on Policy 2-16: Records, is ongoing. The committee had questions. Does this Policy apply to On Body Recording Devices (OBRD)?

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How can people who live with a mental illness be protected under records and IPRA? Are the recordings considered Behavioral Health Records or PD records? Law states there are six (6) kinds of records that are protected. Rick Miera stated that he will get with the Attorney General for their opinion. If no case law the Attorney General opinion will stand up in court. Nancy reminded all the whole reason the DOJ is here/involved in APD is because of the number of persons living with mental illness killed by the police. During the Information Sharing Subcommittee Conference Call on July 12, 2017, Debra Mann, an expert in confidentiality in private practice, thinks the courts may have addressed this.

Javier Urban, APD Records Supervisor, stated that yes the recordings are protected and need to be requested through IPRA. They are reviewed on a case by case basis. A question was asked about APD going out on a pick up order, things get weird, and someone decides they want a copy of the recording, would this be protected? Commander Sullivan stated that currently the recording is not protected per the city attorney. Once the Mobile Crisis Teams start and the clinicians come on board the rules may change. APD will get with Jeremy Schmehl, Assistant City Attorney, and see what we as APD can do to have a better argument. Nancy Koenigsberg stated we need better protection. Commander Sullivan agreed. Currently interactions with Police are not protected under HIPAA.

Mike McConnell asked if officers could always have their cameras on, turn them on when they leave home and turn them off when they return home after their shift. Need a policy in place when they turn on, off, and turn in their recordings. Danny Whatley stated there is a policy and it is constantly evolving and being reviewed. Currently it is not possible to have that much data recorded saved. Mike McConnell asked about an outside Use of Force review. Danny Whatley stated that this would not be under MHRAC's purview. Commander Sullivan stated that there is a Use of Force Review Board that includes outside resources who review Use of Force. Rick Miera asked if all interactions would be protected including family interactions. Commander Sullivan stated it should be but is currently unsure if it is. Nancy Koenigsberg stated that this discussion is not over and will keep discussing it in the future.

**Resources Subcommittee** – Need to elect a chair in August.

### **Comments from Co-chairs**

With upcoming mayoral election and a new chief of police being appointed shortly after, both Danny Whatley and Rick Miera are stepping down as Co-chairs. New Co-chairs need to be elected and both will stick around during the transition period with new Co-chairs.

Meeting Adjourned 6:45pm