

Mental Health Response Advisory Committee (MHRAC)
Meeting Minutes
Tuesday, June 13, 2017

Co-Chairs Danny Whatley and Rick Miera

Scribe: Cynthia Martinez

Meeting called to order at 5:01 pm, quorum of 14 was met at time of start.

Welcome to First Timer(s): Michael Giralmo with Desert Hills and Elizabeth Hill with CYFD.

Motion made by David Ley to approve April meeting minutes.

Second by Paula Burton.

Minutes approved 14-0

Motion made by Rick Miera to approve May meeting minutes as amended.

Second by David Ley.

Minutes approved 14-0

Public Comment

Welcome Cory Sanders with the USDOJ and Ruth Keegan with the US Attorney's Office.

Presentation of legislation and policy concerning privacy issue for those with a severe mental health diagnosis

Presentation and Discussion moved to the second hour.

Status and discussion of administrative support position

Went through the first round of interviews and all people the position was offered to, turned it down once the job was better explained. The Temp Agency is conducting pre-interviews before sending the next round of candidates over for interviews. Rick Miera inquired about the length of the contract. CIU Lieutenant Zachary Wesley informed the Board it will be a 2 year contract.

Discussion concerning Resource Subcommittee

Yvette Garcia stated that John Barnum is no longer able to serve as the co-chair for the Resource Subcommittee. Requested approval to vote on the new co-chair within the Resource Subcommittee. Nancy Koenigsberg stated that the vote can be handled with in the Subcommittee and does not need Board approval.

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Update and Discussion of APD and UNMH MOU

Dr. Nils Rosenbaum stated that APD has two with UNM. There is one that has been signed and approved for the UNM Medical Student Residency program and a separate one for information sharing. It is currently with UNM Legal. Nancy Koenigsberg inquired who at UNM Legal has the MOU. Dr. Nils Rosenbaum stated that he was unsure of who at UNM Legal is reviewing the MOU. David Ley stated he has reviewed the draft and has some concerns about how it is currently written. He stated he would be very surprised if UNM signs it the way it is currently written. David Ley has heard concerns from, consumers/peers in the community, about their information being shared. He asked for clarification, when CIU Detectives and Clinicians/C.O.A.S.T. meet with consumers/peers, are they aware that they are interacting with Law Enforcement Officials and not social services. He stated that if he were in crisis he might get confused that the Law Enforcement Officials are services and not with APD. Dr. Nils Rosenbaum stated that the Detectives, Clinicians, and C.O.A.S.T. team members meet with consumers/peers, that they make it very clear that they are with APD/Police Department. He stated that he trains the clinicians to announce they are with APD and make it very clear so there is no confusion. Dr. Nils Rosenbaum did state that when he goes out on visits he does inform them that he also works at Presbyterian Kaseman Hospital and asks if they are ok with him looking up there file. If he does not get consent he will not look up their file.

Rick Miera stated that APD still has an issue with other places, i.e. Kaseman. APD will need to have multiple agreements with other agencies. Nancy Koenigsberg disagrees that the HIPAA 'law-enforcement exception' applies. She disagrees that it permits disclosure on mental health information in a mental health, not criminal, context. She also stated that NM Mental Health coed gives greater protection than HIPAA which HIPAA recognizes and permits.

Dr. Nils Rosenbaum stated that he always tries to get voluntary consent. Nancy Koenigsberg asked if Dr. Nils Rosenbaum gets a signed consent form or just verbal. Dr. Nils Rosenbaum stated that it is ideal to get a signed consent, but sometimes it's just documented with witnesses and lapel camera video. He will discuss what they have, what information they need. Need a very clear procedure of how we get consent. Default in SOP is we don't give details of mental health. Nancy Koenigsberg asked what the current internal procedures are now. Dr. Nils Rosenbaum informed Nancy Koenigsberg that the information gathered is not IPRA-able. APD won't share the information unless it's with someone who needs the information to be safe. David Ley reminded all that it's not like APD has a files on a people, only during an investigation. Medical records are not included in the files for investigations. Dr. Nils Rosenbaum stated that David Ley is correct, APD does not keep medical records. David Ley asked what happens with C.O.A.S.T. case files. Dr. Nils Rosenbaum informed all that the C.O.A.S.T. case files go into the same case management system that the Detectives use and no diagnosis is added unless it was self-admission and that is specified in case management. David Ley asked how an officer know if someone is currently working with CIU or C.O.A.S.T. Lieutenant John Gonzales informed everyone that the RTCC, the Real Time Crime Center, will check CIU SharePoint when an officer provides the name, and pass any important information to the officer. David Ley asked if this was in Policy. He expressed concern that in the future

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policy could change and this information could be IPRA'd with the new administration. Detective Matt Tinney informed all that he will send the SOP to Danny Whatley. David Ley is unsure how this data is not IPRA-able? Nancy Koenigsberg was concerned that it was in a different policy and not part of a CASA policy. She believes it should be. Detective Matt Tinney stated that CIU is a jail diversion unit. Case Management has details that assist officers, not information that includes medical records, it was created out of necessity. In the past, CIU was working with a consumer/peer and the person was involved in a shooting. No one knew that CIU was working with them and offering services. Now when CIU is working with someone a case management entry is made, C.O.A.S.T. enters there cases in case management as well. If this information was released to the public then no one would be willing to work with Law Enforcement Officials and the unit would become obsolete. David Ley stated that the medical and psychological reports may not be released but CIU could be subpoenaed for the Case Management files. Detective Matt Tinney stated like all things, including private companies, everything can be subpoenaed. Case Management is not criminal information, it is only information that will help.

Nancy Koenigsberg asked Lieutenant John Gonzales for a description of the RTCC and SharePoint. David Ley explained that SharePoints are information that a company shares internally. Detective Matt Tinney explained that the RTCC is the Real Time Crime Center and it was set up for APD to use. Sworn officers and civilians work there, with access to NIX.

Report and Update from APD/CIU

Dr. Peter Winograd gave a presentation (Please see attached)

Detective Lawrence Saavedra pointed out that officers are transporting people in crisis to the hospitals, they are being released, then the hospitals are making calls for service to handle the person that was just released. Detective Justin Trebitowski informed that there are multitudes of stories from the field about strained relationships between APD and the Hospitals. The CIU Clinicians have helped bridge that gap. David Ley pointed out that this is an issue that everyone has to deal with. When trying to get someone evaluated the Dr/Officers need to say the right key words. Having the hospitals trespass them is not the right way to go. Detective Lawrence Saavedra stated that under the McClendon Lawsuit, trespassing is not an option.

Robert Salazar expressed concern with the fact that the hospitals will only hold someone for 72 hours. It takes at least 2 weeks to stabilize someone with psychotropics.

Rick Miera expressed concern over the fact that there is nowhere for Officers/Dr's to park at the Hospitals. We need to build facilities that will work for the community. Nancy Koenigsberg asked why it is necessary for officers to stay when the individual has been handed over to the hospital. Dr. Nils Rosenbaum stated that Kaseman, as an example, is under staffed, as are all of the hospitals. He expressed that the hospitals are frustrated too. PD's are picking a person up over and over again and continuing to take them to the hospital. This system is not working.

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Detective Lawrence Saavedra stated that there are no midline options for those in crisis and those suffering from behavioral health issues.

Detective Matt Tinney stated that the training we give to the officers doesn't teach them how to diagnose. Officers don't know if drugs are the issue and most of the time suspect its behavioral health related.

Rick Miera stated that the Jail Oversight committee is meeting soon to discuss the cost to transport to the jail. Millions spent so far in transportation only. Hopefully the new Transition and Re-Entry Center will fill the need in the community. This is not the jail's responsibility.

Dr. Nils Rosenbaum stated that CIU has a new Detective Ben Melendrez and the new CIU Assistant Eugenia Bencomo. He also informed all that he and Detective Matt Tinney have co-authored an article, Collaboration to Reduce Tragedy and Improve Outcomes: Law Enforcement, Psychiatry, and People Living with Mental Illness, which has been published in the American Journal of Psychiatry.

Replacement for SGT John Gonzales

Lieutenant John Gonzales will remain on the board.

Presentation of legislation and policy concerning privacy issue for those with a severe mental health diagnosis

Jim Ogle stated there are privacy concerns with the lapel cameras. The issue isn't having the cameras on or not, the issue is should this be available to the public or not. It is currently unclear if Behavioral Health is protected or not. The Bernalillo County Attorney, Ken Martinez, Jeramy Schmehl with Albuquerque City Legal, and Jim Ogle all agree that the videos be protected the same as physical health is protected. Jeramy Schmehl informed all that when a request comes in for a recording that has a Behavioral Health component, City Legal's policy is to protect the person's rights.

Rick Miera asked Cory Sanders with the USDOJ if he knows any other organizations that are having similar issues with recordings. Cory Sanders stated that New Mexico's IPRA laws are more open than most other places. He will do some research to find out if others have had a similar issue and report back. Rick Miera stated that we need resources.

Nancy Koenigsberg thanked Jim Ogle for his presentation. She stated we need to work together. There are plenty of people out there not wanting to be recorded and this issue goes back to the reason the USDOJ got involved with APD. From her research looking at IPRA in other places, they are going through the same issues.

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Jim Ogle stated that people need to be able to speak freely when talking to law enforcement officials and not be afraid of being recorded and it being released to the public. Danny Whatley reminded everyone that the lawyers will be here in July.

Paula Burton stated that she understands the benefits of the Police Department needing to record but that the cameras should be turned on for Behavioral Health encounters when no crime has been committed. She believes the hospitals don't help because when the person is seen they are not manifesting behaviors to require the help. She does not believe this information should be given to the public and she is not comfortable with the idea that her information could be given to someone who could use it against her.

Report and Update from Subcommittees

Information Sharing Subcommittee

The information Subcommittee is meeting to review policy. Dr. Nils Rosenbaum is happy to attend the meeting.

On June 27th a plan released by the City Attorney's office regarding requirements and SOP 2-19. This SOP was sent out by Danny Whatley. The deadline to get comments to Danny Whatley is June 23rd.

Training Subcommittee

The Training Subcommittee meeting will be Monday 06.19.2017 10:00am at the FAC in the large conference room. CNT Behavioral Health training review is still an ongoing endeavor.

Resources Subcommittee

The Resources Subcommittee is meeting in July. It will be a working meeting about an hour to an hour and a half. Officers will be invited as well. This will be regarding the resource card.

Comments from Co-Chairs

No comments

Next MHRAC Meeting Tuesday, July 18, 2017, 5:00pm at The Rock at Noon Day.

Meeting adjourned 6:56pm.