

**Mental Health Response Advisory Committee (MHRAC)**  
**Meeting Minutes**  
**Tuesday, February 18, 2020**

**In Attendance:**

Co-Chair Danny Whatley, The Rock at Noon Day  
George Mercer, Albuquerque Health Care for the Homeless  
Betty Whiton, NAMI  
Gilbert Ramirez, CABQ-Dept. of Family & Comm. Services  
Laura Nguyen, Albuquerque Ambulance  
Maxwell Kauffman, Law Offices of the Public Defender  
David Ley, New Mexico Solutions  
Paula Burton, Peer Representative  
Cassandra Bailey, Detective, CIU  
Lieutenant Matt Dietzel, APD CIU  
Lea Harrison, Haven Behavioral Hospital of Alb.  
Robert Salazar, NAMI/Peer Representative  
Sarah Alires, St. Martin's HopeWorks

**Non-Voting attendees:**

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

**Absent:**

James Burton, Peer Representative  
Nils Rosenbaum, MD., M.P.H., APD Behavioral Health Division  
Elizabeth Romero, M.D., UNM Department of Psychiatry  
Co-Chair Rick Miera, Executive Committee  
David Webster, Bernalillo County Behavioral Health  
Rob Nelson, APD/C.O.A.S.T

Meeting was called to order at 5:04 PM. A quorum was met at time of start.

**Welcome first time guests:**

Meeting began with a brief overview of the creation and purpose of MHRAC by Danny Whatley.

Hana Gossett, NM Coalition to End Homelessness  
Brie Sillery, NM Coalition to End Homelessness  
Tim Sheahan, Executive Director, Alzheimer's Association Albuquerque Office  
Matthias Swonser, Law Office of the Public Defender  
Vanessa Varela, Haven  
Detective Jeff Jones, Albuquerque Police Department  
Thomas McClelland, New Mexico State Police, CIT  
Tiffany Archuleta, Bernalillo County Metro Court, Outreach Court  
Martin Burkhart, Bernalillo County Metro Court, Outreach Court  
Maria Dominguez, Presiding Judge, Outreach Court

**Approval of meeting minutes**

There was a motion made by George Mercer to approve the minutes as written. The motion was second by Lea Harrison. The minutes were approved as written.

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

Danny Whatley stated there would be a press release from Amici. MHRAC was asked to write a part of that release. Danny Whatley read the release (see handout). Danny Whatley informed the committee that

**Mental Health Response Advisory Committee (MHRAC)**  
**Meeting Minutes**  
**Tuesday, February 18, 2020**

with their approval, this will become a part of it. He asked if there were any concerns or comments. Betty Whiton made a motion to accept the release as written. The motion was second by George Mercer. The release was approved as written.

Emily Luke from New Mexico Aging and Long-Term Services Department (ALTSD) looked at officer responses to individuals with Alzheimer's. What was discovered was the recommended responses differed. ALTSD tried to look into what APD already had in place. ALTSD developed a SOP and gave it to a Professor of Gerontology at UNM to review. Emily Luke stated it was a bit lengthy but thought it would be helpful for officers to do their job. She is bringing this up now, given the time process for SOPs. Lieutenant Dietzel stated that he might spin this off as a third SOP. He stated that the Information Sharing/Resources Subcommittee will be reviewing it. It will be sent out to MHRAC via email on February 26, 2020 for the fourteen day commentary. Danny Whatley asked Emily Luke if she was aware of the next steps. Emily Luke responded yes. Danny Whatley asked if there were any comments.

Betty Whiton informed the committee that she and Sergeant Dosal will co-captain a team for the upcoming NAMI Walk. She asked that they join their walk team. She also stated that on March 14, 2020, the County Commission will be recognizing her with a proclamation. Betty Whiton would like to recognize MHRAC in that meeting. Danny Whatley made a motion that Betty Whiton speak on behalf of MHRAC. Lieutenant Dietzel second the motion. It was approved.

**COAST Discussion by Lieutenant Dietzel and Deputy Chief Medina:**

Lieutenant Dietzel explained that Deputy Chief Medina was unable to attend the meeting. The question has come up once again about what to do with COAST. The idea is that they would be officially transferred to an area command. COAST staff spends most of their time as their area command. Lieutenant Dietzel, Sergeant Landavazo and Sergeant Dosal met with the area command staff and went over COAST's job duties. Area Commanders are not too sure that they want that responsibility. Where COAST goes from here, we just don't know. He just needs MHRAC's support on this.

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

- Q: David Ley: Is there anything we can do to support you?
- C: Lieutenant Dietzel: COAST staff is already at their area commands the entire day. The problem is two different reporting chains of command. Competing interests.
- Q: David Ley: as an extension on that: are there other civilians that report to the area commands?
- A: Lieutenant Dietzel: Yes, crime prevention, office staff, and receptionists. We are still trying to iron it out.
- C: David Ley: Having dual command is common in his work arena. Concern is that different people at different area commands may be doing things differently. Maybe have monthly meetings with COAST staff to ensure that they are completing their job requirements.
- C: Lieutenant Dietzel: We only see COAST staff once weekly. It's difficult. Not too sure if this is going to happen at all.
- C: Danny Whatley: there has been discussion in the past about COAST coming out from under APD and being placed with another department. Danny Whatley feels like that would be a mistake.

**Mental Health Response Advisory Committee (MHRAC)**  
**Meeting Minutes**  
**Tuesday, February 18, 2020**

- C: Betty Whiton: Went on a ride along with Home Visit Detectives and COAST. COAST had a vital role in communicating with the individual and getting them the resources needed. COAST plays a vital role with CIU. Betty Whiton believes it is important to maintain that.
- Q: George Mercer: Agreed with Betty Whiton and asked what the rush in moving COAST was.
- A: Lieutenant Dietzel: It is basically allowing the officers access to the COAST staff. Officer may not be able to get the information to the individual. COAST can make sure it happens and that individuals are linked to services.
- Q: Danny Whatley: is there a member from COAST who can give us their opinion?
- A: Lisa Chavez: Being in our own area command centers, we get to know our officers, the environment.
- C: Danny Whatley: The question is the supervision; area commanders want their cake and don't want to serve it.

**New Shelter Update by Lisa Huval, Deputy Director, Family and Community Services:**

Introductions were made. Lisa Huval provided a recap: voters approved the \$14 Million GO bond in November for the Gateway Center. In December of 2019, the City held a community meeting. One result from the meeting was: centrally located, operating 24/7 with a location close to services. Here to provide regular updates. Two reports have been issues. Online survey completed. Site most popular was 2<sup>nd</sup> and I-40. Next was the vacant lot north of Lomas, east of I-25. Third was the Westside Shelter. They are currently summarizing several focus groups. Health Care for the Homeless, First Nations, and Westside: people are worried about safety and security; close proximity to services; to Dollar Stores. The most popular sites for those focus groups were Gibson, followed by 2<sup>nd</sup> and I-40. No interest in Montessa Park or the Westside. Right now we are working on a report looking at all the locations. We are trying to evaluate each of those locations looking at the criteria, zoning, and cost of the land. We will be releasing the report after the analysis; hopefully this coming Friday. Look at our website for updates. We are seriously looking at the site at UNM. UNM has hosted forums to see how the community feels about that.

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

- C: Danny Whatley: So the Crown Plaza is not a top site.
- Q: Isle Biel: Does the City want to be able to design from scratch? Would like to know what the criteria focus is.
- C: Lisa Huval: We want to find the opportunity to find what fits our needs. We are not looking at new construction vs. already built. We were initially looking at 300 beds; that is what we are currently serving. We know we don't want to be using the Westside Shelter to the end of time. The 300 number is not set in stone. How much we have to use to the acquire the land, site structure, all will determine how much we have left to operate.
- C: Read in the paper that the Mayor is ready to demolish Coronado Park and use that as the Gateway Center.
- C: Lisa Huval: 2<sup>nd</sup> and I-40 got the most votes, close to 2000 votes. It has definitely not been selected. We do own the park, however that is not accurate.
- Q: Can you repeat the locations?
- A: Lisa Huval: gave directions to the website. She stated that all reports, PowerPoint presentations, etc. is on the website.

**Mental Health Response Advisory Committee (MHRAC)**  
**Meeting Minutes**  
**Tuesday, February 18, 2020**

- C: Danny Whatley: MHRAC has advised the Court that because of the policies, MHRAC will be developing a subcommittee to work alongside the City on that.
- C: Lisa Huval: A project coordinator will be hired.
- C: Concern that we will be building something that will only meet the needs of today not the future.
- A: Lisa Huval: There will be other long term solutions; more permanent housing to alleviate some of the stress on the shelters.

**Outreach Court Presentation:**

A handout was distributed to the committee members and audience. Tiffany Archuleta explained that Bernalillo County's Metro Outreach Court is a homeless court based on the San Diego Homeless Court Model and uses the American Bar Association's seven guiding principles for Homeless Courts. It is designed to work with individuals already engaged with treatment providers and give them an opportunity to resolve outstanding misdemeanor cases and warrants. It is the providers that make the referrals to the court. The steps the providers have taken with their clients are used by the court towards that individual's obligation. As stated in the handout: "Outreach court enables homeless and precariously housed individuals who are actively engaged in the program to address their outstanding legal obligations, freeing them to reclaim their lives and return to the community as valued members. In lieu of custody, fines, and fees for most misdemeanor charges, participants may engage in life skills activities, substance abuse group meetings, literacy classes, and training, or reach for employment, counseling, and programming aimed at improving their situations under the guidance of their Community Provider. The court acknowledges these endeavors in order to satisfy the courts' requirements." The cases that can be accepted into Outreach court are all misdemeanors from Bernalillo County except DWI's. Domestic violence cases and officer victim cases require a second level of approval from the DA's Office. If an individual has been convicted of a violent felony in the past seven years or has outstanding warrant in another jurisdiction they will not be accepted to Outreach court. To get the process going two forms must be completed and turned in: the provider must complete the Outreach Court Referral Form and assist the individual in completing the Bernalillo County Metropolitan Court Defendant's Release of Information and Consent Form. Once accepted the provider will be asked to submit a Client Commitment Form and the Program Specialist will reach out to the provider for an Advocacy Letter which will outline the individual's participation. The court will then compare the progress and the charge(s). If charge(s) are dismissed the individual will go through a graduation. The intent is to reward the steps they have already taken. MOUs are not required. The program frees the providers to work with the client as they feel they need to. Not up to the court; up to the provider. Tiffany Archuleta stated that she tries to work with the courts on any outstanding warrants. Maximum time is 90 days. If the provider finds out that the individual has a warrant towards the end of the time period, the provider should contact Outreach court personnel and they will apply what the individual has done with the provider against the charges. Once accepted, the individual is appointed a public defender. All forms, information and the PowerPoint presentation are on the website. Tiffany Archuleta mentioned that a lot of times, an individual will not come in and just say he/she has a warrant. Asked if there were any questions.

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

- Q: Old homeless court, you needed case management and had to have an exit strategy. Do you still have too?

**Mental Health Response Advisory Committee (MHRAC)**  
**Meeting Minutes**  
**Tuesday, February 18, 2020**

- A: Martin Burkhardt: No. The program is only a 90 day window. We want to be realistic. We are trying to take away one of the obstacles: warrants.
- C: Max Kauffman: Gave a shout out to the program. Very great program.
- C: Judge Dominguez: If providers have any clients that could utilize the program, call Tiffany, Martin or Max.
- C: Martin Burkhardt: Reminded the committee and audience that the definition of homelessness is very open, broad.
- Q: Lisa Chavez: Can COAST make referrals to Outreach court?
- A: Judge Dominguez: Tiffany has already spoken with COAST. Karen Navarro can work with COAST to do so. The case is discharged after 90 days.

**Mental Health Court Case Discussion by Maxwell Kauffman:**

Max Kauffman began the discussion by showing a KOAT report on an individual impersonating a law enforcement officer. He stated the individual was a teenager. According to Max Kauffman, since the media coverage of the incident, the individual has received death threats, has been vilified in media, loss of multiple jobs when employers see the news stories, is struggling to find work, is giving up his four month old child for adoption and has stressors at home. He was evaluated by a doctor using DSM diagnostics. The doctor determined his diagnosis “likely played a role in his behavior on the day of the alleged offense.” According to Max Kauffman, a Metro Court Clinician the individual would be suitable for Mental Health Court. The media has no knowledge of the diagnoses. Max Kauffman questioned “had APD known about the diagnoses sooner, would it be on the media?” There are different options available according to the Metro Court Clinician: diversionary programs; intensive programs, some people don’t make it through the process. According to Max Kauffman, Mental Health Court must be offered by the DA or the prosecuting officer. The DA’s office refuses to offer Mental Health Court. Misdemeanor level. Max Kauffman’s proposal is for MHRAC to endorse a letter to the DA’s Office recommending diversion, Mental Health Court. He believes it is within the paragraphs of the CASA.

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

- Q: Danny Whatley: What do you want MHRAC to do?
- A: Max Kauffman: I will draft a letter to the DA’s office asking for diversion on behalf of MHRAC
- C: Danny Whatley: First thing is for MRHAC to have a discussion. MHRAC does not have a stick in this matter.
- C: Betty Whiton: This is misdemeanor level? There are three factors in the diagnosis.
- Q: Danny Whatley: Asked Betty Whiton if she, as president of NAMI NM, would be willing to do a letter.
- C: Lea Harrison: If this young man goes to prison and does not receive services, it could ruin his life. Haven is contracted with the Bernalillo Metro Court’s Mental Health Court. Not an easy program to get into: need to be willing to get in the program; willing to get help; have to be in the program for one year. To date: five did not make it, twenty-seven are in the program and six have completed it. Guidelines to follow. Oddly enough have had people change halfway through their program. Psychiatric medicine management
- Q: Audience: Can you write a prescription for Adderall?
- A: Lea Harrison: Not going to answer that question. Would like to see the individual given a chance.
- Q: Audience: Why won’t the DA do that?

**Mental Health Response Advisory Committee (MHRAC)**  
**Meeting Minutes**  
**Tuesday, February 18, 2020**

- A: Max Kauffman: I don't know.
- Q: Audience: Have you asked him?
- A: Matthias Swonser: Have been told by an ADA that this is a media case.
- C: Lindsey Van Meter: recommended that MHRAC invite the judge of Mental Health Court and the DA to come speak and explain the criteria.
- A: Danny Whatley: at a loss as far as if this should be an MHRAC position/issue
- C: George Mercer: Sees the value of Mental Health Court but agrees there are limitations to roles of MHRAC
- C: Danny Whatley: Values the appropriateness of the case to Mental Health Court. Concerned about the precedence MHRAC would be setting. It is not our role.
- C: Max Kauffman: It is a unique case. Agreed with Danny Whatley.
- C: Audience: Why not fight fire with fire. Go to the media yourself.
- C: Max Kauffman: I'm divulging his mental health and physical diagnoses.
- Q: Audience: Was he ever diagnosed and trying to get help prior to this incident?
- Q: Lisa Chavez: Has he ever requested a DD Waiver?
- C: Danny Whatley: There is already a precedence being set. Need to understand the balance. We have to stay within the MHRAC role. I appreciate your role.
- Q: Paula Burton: When did this happen?
- A: Max Kauffman: 2018, trial set for March 17, 2020. Want to get someone hooked up to treatment as soon as possible.
- Q: Danny Whatley: Are you seeking letters from anyone else? MHRAC covers a lot of agencies. Has a lot of voices. Need to take a break and continue this discussion later.
- BREAK
- C: Danny Whatley: General consensus of the committee is that we need to continue to discuss this. Agencies need to speak with their boards to decide. Good talk to have. During the break spoke with Dr. David Ley. He and I might have an unofficial conversation with Mr. Torres. It may not happen. No motion will be made. If someone wants to do that on their own they can.

**List of Outside Providers by Dr. Rosenbaum:**

Dr. Rosenbaum was unable to attend; this agenda item will be placed on the next agenda.

**Report and update from CIU, APD and Dr. Rosenbaum:**

Lieutenant Dietzel stated that the fire arms billed passed. It is his understanding that the law might go into effect ninety days after signing. He thinks CIU will initially be handling it.

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

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

Rob Nelson was unable to attend. COAST Specialist Lisa Chavez stated that COAST is continuing outreach and case files.

**Mental Health Response Advisory Committee (MHRAC)**  
**Meeting Minutes**  
**Tuesday, February 18, 2020**

**Report and update from sub-committees:**

Information Sharing/Resource Sub-Committee:

Did not meet this month due to public hearing

Training Sub-Committee:

The Training Sub-Committee will be meeting on Monday, February 24, 2020, for policy reviews.

**MHRAC Final Discussion:**

Danny Whatley informed the committee that he and Rick Miera will be meeting with City attorneys and stakeholders. Question brought up was: was the City trying to do away with the CASA. It was pointed out that for the majority of law enforcement agencies that have been under DOJ monitoring; this is the natural progression. The monitor will be monitoring the monitor. MHRAC will not go away. A lot of the paragraphs are regarding MHRAC. It is commendable to MHRAC that we are where we are at. There is a plan. Danny Whatley will get with Lori and make sure that the committee gets a copy of it. We will continue to do as we are doing.

Lindsey Van Meter stated that she met with Dr. Ginger today. He is reviewing at the original document. She stated that to the extent she could, she used that. It was part of IMR 1 and is a very large document.

In closing, Danny Whatley informed that committee that the Attorney General is putting together a behavioral health task force. The Bernalillo County Sheriff is heading the task force. APD was not asked to be on the task force. Danny Whatley mentioned that he was not going to say if APD should be on it, but pointed out that APD is the largest law enforcement agency in the County. Max Kauffman stated that APD should be on the task force.

**Adjourn**

Meeting adjourned at 7:00 PM