

Mental Health Response Advisory Committee (MHRAC)

Meeting Minutes

April 20, 2021

Via Zoom

Board Members in Attendance

Co-Chair Danny Whatley	The Rock at Noon Day
Co-Chair Rick Miera	Executive Committee
Betty Whiton	NAMI
Cassandra Bailey	APD CIU
Dave Webster	Bernalillo County Behavioral Health
David Ley	New Mexico Solutions
Elizabeth Romero	UNM Department of Psychiatry
Gilbert Ramirez	CABQ-Dept. of Family & Comm. Services
Laura Nguyen	Albuquerque Ambulance
Matt Dietzel	APD CIU
Maxwell Kauffman	Law Offices of the Public Defender
Nils Rosenbaum, MD., M.P.H.	APD Behavioral Health Division
Paula Burton	Peer Representative
Rob Nelson	APD/C.O.A.S.T
Robert Salazar	NAMI Vice-President

Introduction to MHRAC

Danny

The Mental Health Response Advisory Committee was created by the Court Approved Settlement Agreement (CASA). We've been around since day one and have a focus on three areas, resources, resources being available to access different things within the city that APD and first responders can use as it impacts homelessness and mental health issues. We are also involved in training and policy; training is one of those things we made a tremendous impact in. As far as the training that is offered. Policies are one of those things where the MHRAC is involved with assisting in writing and approving and recommending policy as it relates again to the narrow focus; we think narrow, but sometimes it gets pretty wide focused on how law enforcement interacts with those experiencing homelessness and those experiencing a mental health crisis.

Welcome first-time guests

No one wanted to introduce themselves

Approval of meeting minutes

1st Motion – Rick Miera

2nd Motion – Paula Burton and Laura Nguyen

Paula Burton had a correction request on the board member attendance for March; her name was left off the attendance list.

All were in favor of minutes as written upon the correction stated above.

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

Max

Proposal for future discussions on officers and hospital issues and premature discharge.

Lt. Dietzel

We're running into that issue probably every day at this point; Officers in the field of getting very frustrated trying to do the right thing and take somebody to the hospital and then the hospital either does a cursory assessment in the sally port and says, "you want to kill yourself, you want to kill anybody else, okay, bye," The officers are standing there going, "wait a second, I just spent an hour trying to get this person here without force and that is what you are going to do?" That officer just learned that the next time they are not going to bother; they will either do nothing or take them to jail.

This kind of infrastructure issue is threatening multiple compliance levels with the casa and the McClendon Sub-Class lawsuit. I don't know what to do; we're dealing with hospitals all the time and things seem to be getting worse, not better.

DC Jaramillo

On the medical side, there is the Emergency Medical Treatment and Labor **Act (EMTALA)**; it's a federal **law** that requires anyone coming to an emergency department to be stabilized and treated, regardless of their insurance status or ability to pay, which we can't turn people away. So, if we take somebody in an ambulance they can't release them without an evaluation from a physician.

Q. Is it different when law enforcement takes somebody and are these people wanting to be seen?

If the individual that law enforcement is transporting wants to be seen, I would imagine that there would be a potential EMTALA violation by turning them away. I don't know if that's an avenue that has been looked at?

Lt. Gonzales

We've had an ongoing meeting on this and this is just with Presbyterian Hospital's head of security who used to be an officer in Rio Rancho.

We had a meeting with three filled lieutenants, I guess it was about two weeks ago to try to improve and understand their intake policies as well as our drop-off policies. I think we made some headway, but we're going to meet next week with the nurse manager, Stephanie Trevino, and I think one of the doctors in charge.

We're far away from our drop-off procedures and their acceptance procedure.

They have their policies and we have our policies. So to speak on that, some of them can be Certificate of Evaluations (COE), and if any of these people present any kind of threat or aggression, they're literally stepping out of the way and letting them walkout, and this is with orders coming from judges, coming from doctors, police taking them, whether it's a 43-1 or sometimes we're just giving people rides there on different calls, but it's definitely an issue that we're trying to make a little bit of headway to have some sort of understanding as to where APD rests on our intake policies, our drop off policies, and theirs.

We're still far away; we are meeting again next week with people that are higher up and hopefully we can make some headway.

DC Jaramillo

I would really emphasize to the doctor the evaluation, if they're turning them away for displaying violence without a doctor's evaluation I still wonder how that would relate to EMTALA so that might be helpful in that conversation.

Lt. Gonzales

That's an Avenue that we need to explore.

They've had officers sitting in the waiting room with these people for hours. It's really frustrating work for the officers in the field. As Lt. Dietzel said, basically they're not wanting to go that route anymore because it's not advantageous to the field time-wise or anything.

Danny

John keep us posted on the hospital meeting and Brenda put that on the agenda for next month.

Gary Housepian, Disability Rights of New Mexico

It might be helpful if we integrated into that sort of the legal rights issues that come into play regarding involuntary treatment, the standards, ultimately too, you face perennial gaps in services you know may not meet the standards for involuntary hospitalization, but what can be immediately provided for an individual and then again you get into the voluntary aspect of it, how much does the individual want those services, so perhaps it might be helpful if you all felt helpful to just kind of talk about bringing into the sort of the legal interplay with regards to how that comes into play here.

Sgt Crook

Just to clarify, the problem is typically coming from an involuntary transport because they're under the officer's detention. But whenever they're being assessed the person is communicating that they don't want to be there. So the officer says they have to go but the patient doesn't want to be there. Oftentimes the patient's wishes are what's being considered at that point and we're trying to communicate that no, it's not really their choice to be here at the moment; it was the officer's decision.

Discussion on meetings with Command Staff, DOJ, City of Albuquerque, APD Staff; and the Role of the MHRAC along with Clarification of the MHRAC Responsibilities, Danny Whatley and Rick Miera

Danny Read

Paragraph 113 reads: "The Advisory Committee shall provide guidance to assist the City in developing and expanding the number of crisis intervention certified responders, CIU, and COAST. The Advisory Committee shall also be responsible for considering new and current response strategies for dealing with chronically homeless individuals or individuals perceived to be or actually suffering from a mental illness, identifying training needs, and providing guidance on effective responses to a behavioral crisis event."

The natural progression of the Court Approved Settlement Agreement (CASA) was to move some of these responsibilities away from law enforcement and the MHRAC certainly agreed with that, but specifically in paragraph 113; it gives us the guidance or the understanding that the MHRAC is supposed to be involved in guidance as far as training and the issues as it relates to homelessness and Mental Health Crisis.

With that in mind, with everything that had been happening with the new command structure, with the new encampment policies, and Gateway Center, all of the things that were happening the city was doing around these issues, it was confusing for the MHRAC, where do we fall into that situation. So what we did was we sent an email to the Department of Justice and asked for clarification. What is our role, if any, and if you say we don't have one then we'll step aside and deal primarily with APD. So basically our question was, is the CASA geared towards APD only, or is it geared toward the City of Albuquerque? Overwhelmingly, through the Department of Justice, and through the city also, the response was, it's the City of Albuquerque; it's not only APD. We have had several meetings, Rick and I met with Superintendent Stanley, Chief Medina, and others a couple of times since the last meeting we've been in one status conference where the MHRAC was on the agenda in front of Judge Browning again, talking about this clarification and the Role of the MHRAC. So what has occurred, it appears that at this point, the city is in agreement, that the MHRAC needs to be involved, not only advised and updated, but needs to be involved in planning, policy, and training. One of the concerns we had in that situation was when we have a homeless encampment situation, there are several entities within the city that have separate policies, separate directions, and they all show up together including law enforcement in most cases and it's tough to decide who does what when and so we think the MHRAC and the success that we've had working with

APD and helping our city and helping our law enforcement partners; we think that we could bring a lot to the table. That is the discussion right now, and I'll be honest with you, it's one of those things where it's a change. It's different than what the city has encountered so far, but I think again that it's a positive thing for the MHRAC to be involved and we're looking forward to that partnership going forward.

Rick Miera

I think what's most important is that the city understands that we are here to help and getting the reports is nice, but the CASA and all the players that we've been talking to are pretty much insisted upon the fact that we need to do more than report.

Danny

The next step for the MHRAC; the monitor's report is coming out and since the judge has already been made aware of this situation, the MHRAC as soon as we possibly can we'll send a letter to the MHRAC for your approval on any progress or lack of progress made in this direction. Judge Browning will be interested in what's happening.

We received information concerning an encampment policy and we had the opportunity to respond to that. I would ask that the MHRAC does not respond unless you're responding on something that's a personal issue with you, that you notify the rest of the MHRAC concerning your response so we can see what you're saying, and then it's not we're not putting out conflicting direction and information that we can all agree. Not that we have to agree on yours, but we need to see what you're saying.

We'll be putting together a document within the next meeting with the judge is in late May.

The next monitors' report will be announced and made public at that time.

Also, the Department of Justice is getting a transcript from the status conference where we were on the agenda and we'll be able to send that out and you can then search through that and see what was said.

Lawrence Kronen

Q. What is your understanding of what that involvement means above what the CASA says that you advise and recommend?

Danny

A. It's one of those things where we going to use the model that we've used with APD because that's who we worked with over the last five-six years. It is one of those things where we've been involved from the very beginning with policy, training, and making recommendations, and hearing back from the city why our recommendations were accepted, or not. So it's one of those things where the expertise of this committee this group will be taken into consideration in the formulation of policy and formulation of training. We will be involved before the policy is put out for public review.

The CASA is pretty clear that the MHRAC is involved not only in helping to create policy but guide it. We can bring a lot to the table given that we have been helping in creating policy and training.

Lawrence Kronen

Q. How do you see the MRACK getting together to create recommendations to give to the city right before your next meeting?

Danny

A. I think a lot of our sub-committees will be participating as Matt's group has already participated with Paul Haidle. We think we'll have membership and on the committee's that are formulating these policies and procedures and training

Lawrence

Q. Will your written recommendation be available or be posted on the website for the community to review them?

Danny

A. Yes, it will be posted. We will be sending it out to the MHRAC and once that is approved we will become part of the court proceeding that will be presented to the judge and be on permanent record then placed on the website. The hearing will be scheduled for June 9th.

Lt. Dietzel

There's an input session coming up on the encampment policy and additionally, there will be a spot on the ACS planning committee.

Albuquerque Community Safety Department Update, Mariela Ruiz-Angel

Mariela Ruiz-Angel

I've taken the director position for the Albuquerque Community Safety department.

We are currently in the planning process of bringing on our Deputy Directors. We think that we'll have them in by as early as early May, or late May. We are also hiring for an administrative team. I sent an email to the MHRAC board to invite somebody from the board to sit on the planning committee. Part of the encampment team will be coming into ACS. Our new encampment team has some pretty good principles and guidelines on how they work in the community.

Tina

Q. Will we see a copy of the revised policy before it is approved?

Mariela

A. Yes, we thought that the policy of FCS and the new ACS needed to be reworked. We have community engagement events that we have been doing then we will move into the reworking of the policy and then we will put the revised policy back out into the community and have it reworked one more time before we send it up to administration.

Lisa Huval

This policy is being drafted under the Family and Community Services umbrella, but within the next few months, the team that addresses encampments will move to ACS.

Rick

Q. With regards to the planning committee, how much time is that going to take, and what kind of expertise you're looking for?

Mariela

A. I think we're getting very close as we bring on our deputies. They are looking for expertise really around behavioral and mental health and are also very focused on criminal justice.

Larry Kronen

Q. Do you know who wrote the current FCS policy?

Lisa Huval

A. The staff, a team of us from Family and Community Services. It was largely developed to reflect our current practice with some fine-tuning about how we wanted to do things going forward as well. We also worked with APD so that the drafts were aligned and this is where Paul has been really helpful in bridging the two departments.

Danny

You might want to let folks know the history of looking at other policies from other states and what would fit Albuquerque.

Lisa Huval

In 2018/2019 there was no written policy, not even an ordinance, to oversee encampments on public property. We visited Seattle to learn more about their encampment policy. We started drafting an ordinance largely based on the Seattle policy, but we took that draft ordinance into several groups, the MHRAC, and Albuquerque strategic collaborative, which is a group that Coalition and homelessness facilitate several other groups. There is not a lot of support for the idea of crafting an ordinance that just felt like it was heading in the wrong direction and possibly kind of criminalizing homelessness in a way that none of us wanted to. So at that point, we decided to pause on any written policy, not to do an ordinance. We felt like we had a practice in place that worked and we would just continue to follow that practice and then more recently we've gotten feedback from folks in the community rightfully so.

We were being open and transparent and the community would know whether we are in fact following our own procedures for how to address encampments on public property. Earlier this year we started drafting these policies with APD and now we're in this public input phase.

New Gateway Centers Update, Quinn Donnay, Family, and Community Services

Quinn

I am the Gateway project coordinator with Family and Community Services City of Albuquerque.

We look forward to embracing the MHRAC being a part of the policy and procedure development for Gateway; this group has a lot of experts with very unique expertise and lenses to their work. So I think that will be crucial to the development of the Gateway.

Gateway update as of April 1st; the City of Albuquerque officially acquired the former Gibson Medical Lovelace Center.

The Gibson Medical Center does have nine current tenants; some of those do fit the vision of the sorry the Gateway at Gibson. The Gateway portion would be the medical respite and emergency shelter where the health Hub pieces are hopefully there to act as supports to the community. Fitting in with the vision of the Gateway, we do have Turquoise Lodge; we've had preliminary conversations with the leadership of Turquoise Lodge to talk about potential opportunities to expand, part of that would be Haven Behavioral Health. These are slow-rolling but they are happening.

Rick

Q. Are you going to be following the medical model of the community model?

Quinn

A. We are moving towards a community model; I think some things will have to be a partly medical model. The respite beds are going to be the thing that we're going to focus on and that we've been talking about between 25 and 50. The shelter beds are a little more complicated.

Lisa Huval

From what Quinn is saying, none of this is set in stone, I think we put that number out into the world for discussion.

Danny

You heard the discussion that Max brought up about not having a place or law enforcement to drop off folks that need mental health triage and those kinds of things, is that being considered with Gateway?

Quinn

It's always been something that's been in consideration for Gateway because we know this is a major issue in a kind of a weird something weird that happens in our community and I don't know if it happens in every community; I would guess that it's probably something that does lock up hospitals and jails. But for now, that First Responders, APD, etc., are hurting for a different answer, a different place; so we are definitely taking that into consideration.

Laura Nguyen

Q. Will the services being provided be available only to folks accessing either the respite or the emergency shelter beds or will there be more of an outpatient component?

Quinn

A. So there will be services that are dedicated to shelter and medical respite and there will also be services outside of that that is dedicated to the general community and whoever needs to use them. There's been talk, for example, of a health clinic; that is something that anyone can access and of course, these are things that are very long-term lofty goals, but the goal is to have it be accessible to many different people.

Lisa Huval

A. Yes, there will be services on-site specifically for folks staying in the emergency shelter medical respite component, but also, there will continue to be services available for other people in the community that need health and Behavioral Health Services as well.

Jim

It's my understanding that the county is already in the process of putting together a Crisis Triage Center at UNM; it's in the design stage. I don't know how long it's going to take, but next to the Psychiatric Center.

Q. Is there coordination going on between the city and the county on these things?

Lisa Huval

A. Yes, we've been talking the city and county for the last three years. The County will be the lead on Crisis Triage Center; these two have to work together in tandem.

Quinn

A. Yes, there is coordination going on between the city and the county on these things.

Danny

Max had brought up the issue with law enforcement trying to drop people off for triage and treatment at local medical facilities that had mental health ability and not being very successful. John Gonzalez had mentioned that there was some discussion going on with some of the medical providers in town to try to work through that mess.

Rick

Q. Quinn or Lisa, are they going to move the detox center into the Gateway Center?

Lisa

A. There are no plans to relocate any of their services into the Gateway Center.

Larry Kronen

Q. Has the county and the city developed any long-term or short-term strategic plan on the two processes that you're going forward on with the county taking the lead on certain things?

Gilbert

A. We've been working with the county with regards to updating our gap assessment, gap analysis. After 2013 there were quite a few reports done and looking at all the gaps and what we needed to kind of guide the rebuilding of this and what led to the behavioral tax for the county.

The city has continued to have investments in the area of Behavior Health; we are at a place now where that Gap analysis is going to be updated. We've contracted a private partner for that to kind of look at that look at both of our investments and then hopefully bring us to a place where City County or then now moving forward with what areas can we both attack and leverage to make sure that we're addressing those ongoing issues. So that's currently in the process. The deadline to have that report complete will be at the end of June.

Jim

Q. Would it be MHRAC's place also to advise and guide in working towards a County City strategic plan?

Danny

A. As it relates to the CASA as far as homelessness mental health I think we would certainly have a voice in that or should, but it would be a lot broader than that.

Jim

I think you can find those strategic plans on the BHI website. I would like to point out since you're talking about the strategic plan that that particular plan also said there should be a tri-service or regional health authority and I think all of us would like to see some work going on and coordinating with the other Counties since they are also big users of whatever happens in Albuquerque and in Bernalillo County.

Gilbert

There is a city\county dialogue report that came out; it wasn't labeled strategic plan, but there is that study. I think there was a business plan that was developed early on when the BHI was created and looking at investments, and how those tax dollars would be vetted, and then programs implemented on the county side. Those are both available and I can share the links on the chat.

APD Encampment Policy Update

Paul Haidle

I'm the deputy director of policy for the City of Albuquerque. Thank you to the MHRAC and the Chairs for the feedback that we've received on the policies that are under development at the city right now. We look forward to hopefully receiving some more feedback over the next couple of weeks. Over the last couple of weeks since those policies were released publicly at the end of March we have been able to meet with the subcommittee and received some written feedback from members of the MHRAC as well. I would continue to encourage folks to give written feedback. I am the POC on these policies. We've got a

couple of listening sessions that are community-wide listening sessions on Thursday and Friday of this week. There are some folks from the city including the Office of Equity Inclusion, ACS, and the Policy Shop. The themes that were starting to hear have to do with a tone in these policies that is based more on a harm reduction sort of model that comes through the lens of trauma-informed services that looks at how we are completing the connection to services so that it's not just a check the box off that told people there are beds available, but it's something more meaningful than that.

Taking a look at the definition of what our immediate hazard is because you may remember from those policies that if as currently drafted if there's an immediate hazard that's the only circumstance where the street outreach workers or law enforcement would not have to provide advance notice of an encampment being removed. And so that definition if it stays as is we need to make sure that it that it's tight and it's not something that would be subject to abuse.

The other thing that we're hearing a lot of feedback on is more of a policy decision about when enforcement actually does need to happen and when it doesn't need to happen in actually removing these encampments.

Danny

I know a lot of the areas where the encampments are popping up around and are the responsibilities of the Department of Transportation.

Q. Are we coordinating with them as far as what their policies are and what their actions will be when they go in to clean up an encampment or clear out?

Paul

A. Short answer, yes; there is a lot more detail as to what exactly the city's requirements are when it comes to DOT-owned properties within city boundaries. We are going to be putting those policies through the same lens that we're talking about now as far as the responses, but there is some detail about who actually makes that call for a "clean-up" need and what the city's role is because there are some contractual relationships between the city and the Department of Transportation vis-à-vis the properties that are within city limits.

Larry

Q. Does that include looking at the Department of Planning and also the Department of Zoning?

Paul

A. No, so far we're just focused right on the Family and Community Services; and as that policy transitions over into the Albuquerque Community Safety Department and the police department.

We have heard feedback that there ought to be a policy for other city departments but right now the focus is on those two departments. Nothing is saying that we couldn't continue to look citywide at how other departments interact with people experiencing homelessness.

Danny

Q. As for Parks & Rec and Waste Management, what are their marching order to follow the direction of law enforcement or Family and Community Services?

Paul

A. Just to be real clear, the policies are only for FCS and ACS right now, but if there are going to be other department interactions such as Solid Waste and Parks & Rec, how are they going to be addressing these issues, so I think that's a subject that we need to continue to explore.

Max

Q. What do you do within the policy when you encounter someone with disabilities who needs some sort of accommodation and how is that contemplated or articulated in this policy? And what supportive services are you going to give in place of that removal?

Paul

A. I think that's something that we could ask for the expertise of this group on is for the street Outreach workers out in the field what sort of needs assessment do they need to be taking a look at when they encounter people in an encampment situation and it should or could include things like is this person actually able to access the resources that are being offered to them for various reasons, which could include things like disability or whether or not that person has been banned from facilities because I think that probably should be part of the analysis in the decision to whether or not to remove an encampment.

Report and Update from CIU, APD, and BSS

Lt. Dietzel

NAMI walk is May 22nd via virtual walk so you may go at your pace at home and report back your number at the end.

CIT 40- Hour class is next week and Sgt. Crook and his team have done a great job in keeping the classed COVID free.

David Ley

Q. Is there an update on the Mobile Crisis Team and the transition bringing it in-house and how all of that is being navigated?

Lt. Dietzel

A. The transition is complete; the clinicians work over in ACS; the officers work for CIU under us and the first day of the last two teams was April 15th.

Sgt. Crook

The first day of the last two teams was the 14th of April; they're all live as of now, and all training obligations are completed.

Danny

Q. Have you heard anything about the NON-law enforcement Mobile Crisis Team?

Lt. Dietzel

A. The county is trying to hire clinicians to do that. On the APD side, I've written a special order that is being routed to the chief right now that will go through the MHRAC at some point. We have to get the Chief pre-approval before we go on to all the parties.

But in short, police officers go out, assess the scene, make sure it's safe, and then they can call in the Fire Mobile Crisis Team to take the call from there. Actually, part of the special order that we wrote has a clause in there that says, "before you leave the scene officers make sure that that team is good." If they say they're good, officers can leave and now it's their call and they take it over there, without the transport.

Larry

Q. All those calls first an armed uniformed officer goes out before the social workers?

Lt. Dietzel

A. Yes, for the Fire Mobile Crisis Teams. That's the way it's been designed for the county as we go out officers go out first, secure it, recognize we don't need to be there, and then hand it off.

Larry

Q. Doesn't that leave a way for if an armed officer is showing up to escalate someone who might be in crisis already with a mental health problem?

Lt. Dietzel

A. That is not my program you will have to ask the county.

Rick

I heard last night that Santa Fe, NM is replicating us; they are going to try to do what we've been successfully doing.

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

Rob Nelson

Coast has gone through a drastic change as of recently, we're down to two people, but Lisa and I are very confident that we can handle the workload and still deliver the success that COAST has always had. Nothing really new ever happens with Coast. With COVID we've ramped down on outreaches, but we still are available for special requests on outreaches.

Report and Update from Sub-Committees

Danny

Q. How is the COVID vaccination for the homeless going?

Gilbert

A. The first attempt we got just over 110 individuals vaccinated and we were able to get a majority of that group for their second vaccination. Now, we're working with individuals who want access and we've made it available through our partnerships with the DOJ and our medical coordinator out at the WEC. Individuals are not required to get the vaccination, so it is by those who volunteer. We've moved our efforts also to our wellness motels for anybody interested in signing up. We're also doing some partnership, DOJ applied for a grant that would allow a mobile unit that would allow them to strategically place in parts of the city to target one of the populations. They do take walk-ups and we have the ability to get any individual who's in any of our hotels over there for that. We have rapid testing access at the WEC.

There was a point in time there where our spread rate was less than 1% which I think was better than the entire community. Blue pods were staged out there for isolation, and people under investigation.

Betty

I want to invite anybody to join the NAMI walk team called CIT for Mental Health; the walk is on May 22nd. We have lots of teams you can join by going to the website; we hope many will support the police department and the CIT program.

Sgt. Landavazo

We've gotten conditional approval from Deputy Chief Garcia and we're working forward with Desert Waves Labradoodles in the Corrales. They were nice enough to donate a dog to us; he has been named Oakley by its handler who is Detective Madrid. We plan on using this dog for doing business with folks within the CIU system that we're working with; it will only be after we get permission from them and

they're okay with it, no allergies, or anything like that. This will be a way for them to see that were there to help and get them to open up and talk with us and get them engaged. We're hoping to get the dog in the next couple of weeks. We're trying to get supplies and training all lined up.

Sgt. Crook

Such nice things were said about how well the CIT class went and I want to give credit where credit is due. Lawrence Saavedra since his retired, but now Ben Melendrez, Rob Garnand, Mike Sciarrillo, Shannon Miera, Terry Dye, and Brenda have all contributed so much. They are the people who are responsible for putting on such a great class.

Danny

Great CIU team, that's for sure.

Dave Stein

Danny has been hanging on and doing such a prenominal job of running the MHRAC and also being so eloquent that I think the City of Albuquerque should reward him with the Mayorship award.

MHRAC Final Discussion

No final discussion

Next meeting: Tuesday, May 18, 2021