

## **SUMMARY OF COMMISSION SURVEY**

### **MARCH 17, 2023**

#### **Introduction**

A three question survey was recently circulated among designated hospitals (private hospitals with emergency departments), designated agencies (community mental health agencies), law enforcement agencies, prosecutors and public defenders, diversion and restorative justice workers and judges. More than 100 responses were received, with a good distribution among the various groups responding. This survey focused on the pre-charge and arraignment stages of the judicial system and not on the recurring question of competency evaluations and related questions.

The three questions requested a description of the respondent's role in the system, thoughts on what's working well and then thoughts on what would make things better. This was not a quantifiable survey. This summary is an effort to summarize the responses qualitatively.

There was a strong presence of both despair about how the system is currently working/not working, and appreciation for the collaboration among all the people trying to make it work. There was a strong case made over and over again that while more services are needed everywhere, there is a huge need for attention to the root causes of much mental illness—poverty and all of its related dynamics. We are trying to focus on specific things we can do better in connection with the judicial system, but several respondents eloquently made the case that prevention by way of much broader social reform would likely do more to address the epidemic of mental illness.

There was a strong view that jail is the wrong way to respond to a lot of behavior caused by mental illness. There was also a strong view that we still need to look for ways to hold everyone accountable for their behavior as best we can, even if mental illness is a driving force.

There was a nearly if not unanimous view that our current reliance on emergency departments is not working for anyone and is posing active danger to the mentally ill, emergency department staff and to the public. Likewise, there is a broad view that any solutions will need to address the frequent reality of co-occurring substance use.

#### **What is Working Well**

Many responses noted the benefit of trained mental health workers working hand in hand with law enforcement, whether "embedded" in law enforcement agencies or by way of communication and practice. An extension of this observation was improved access to judges for emergency warrants, although there was also some frustration expressed with judge access.

Many responses noted the benefit of the growing system of pretrial services, diversion, Tamarack and restorative justice agencies that are meeting people earlier and increasing the odds of a better response. These comments included the benefits of having screeners/qualified mental health professionals present in court on arraignment days.

As noted above, many responses noted the degree of collaboration among existing agencies. As one respondent put it, "relationships are everything."

## **What Would Make It Better**

The most consistent response was the need for safe places other than hospital emergency departments for people who pose an active risk to themselves or others but are not deemed to “meet criteria” by the Department of Mental Health for admission to the Vermont Psychiatric Care Hospital. This was expressed as need for more secure beds, for 24/7 drop off facilities that could provide short term support and evaluation, and for more assisted housing. This perspective was shared by all groups responding.

The next most consistent response was for more available trained staff in the community-in law enforcement, in the designated agencies, and in the court-related programs of diversion, Tamarack, pretrial services and restorative justice. This is in part a sheer numbers challenge, both in available positions and reasonable compensation. It is also a challenge of equity around the state, i.e. ensuring all parts of the state are getting this staff. And it is a training and education challenge, including of judges.