

# Tri-Branch Task Force

October 13, 2011

**Attendees:** Representative Alice Emmons (Vermont Legislature), Chief Justice Paul Reiber (Vermont Judiciary), Secretary Doug Racine (AHS), Karen Gennette (CAO), George Karabakakis (HCRS), John Perry (Public Member), Connie Schutz (DMH), Barbara Cimaglio (ADAP), Christine Oliver (DMH), Judge Davenport (Vermont Judiciary), Ed Haak (Northwestern Medical Center), AJ Ruben (Disability Rights Vermont), Andy Pallito (DOC), Patty Breneman (CAO), Patrick Flood (AHS), Robert Appel (HRC), Stephen Bouch (Public Member), Julie Tessler (Vermont Council)

## DISCUSSION ITEMS

### Discussion Notes

Welcomed DAIL Commissioner Susan Wehry to the group.

#### Legislative Updates

- Judge Davenport: Group of judges are looking at how misdemeanors are handled. Should judges have the authority to send people to diversion? How should people be screened using a risk and need assessment appropriately? Currently, assessment is only for felony cases and plea agreements don't take into account a risk assessment.

Rep. Emmons suggested that it may be helpful for Doug Marlowe to come speak at the Sentencing Committee, but the scope of focus should be broader than felonies.

Discussion around broadening the consent so that there is more communication between primary care, pharmacies, emergency department, etc. Currently, these consents are a condition of probation and would be more about probation officer than court. What about patient accountability? What about balancing individual rights? Model needs to be more centered on civil rights and more empowerment, freedom of privacy.

- Susan Wehry: four point of interface with the criminal justice system: 1) people with disabilities with co-occurring conditions when they have needs beyond resources, 2) people who are the target population of Act 248, 3) people who are older and have issues due to dementia, 4) people who are older who don't have a diagnosis, but have a decline in mental capabilities due to prolonged alcohol use, which often leads to premature guardianship. How can these issues be address? Which venue would be appropriate, despite the low number of cases?
- Dementia is an issue for local medical directors, and was not covered in Act 80 trainings.
- According to some officers in the field, Act 80 training was not effective. There was no quality assurance component to measure the effectiveness and many officers revert to their law enforcement training that emphasizes management of situations that avoid vulnerability. Instead, perhaps a model that doesn't rely on the officers to implement the interventions, but uses local experts in the field to accompany officers on calls.
- Andy Pallito: The nonviolent DOC population is growing as is the detention population, which has resulted in a need for a \$2.5M budget adjustment. DOC integrity is being weighed against resources. The data shows a slight decrease in the inmate population. In addition, some numbers show that there is a 30% recidivism rate (when recalculated using the new definition), which hasn't yet been vetted by Council of State Governments.
- Christine Oliver: With the flooding of VSH, the residents have been placed in facilities across the state including FAHC, Brattleboro Retreat, and Springfield Correctional Facility. Although many have been discharged, the concern is about new people needing to be admitted. There have been commitments on behalf of the designated agencies to care for a few people. Concern that this could morph into a DOC challenge. Need for short, interim, and long term solutions and for building more options rather than using VSH as a safety net. It was expressed that there is some similarity between the situation at VSH and the DOC. The good news is that with patients being placed in facilities other than VSH, services are now eligible for Medicaid match.

#### Collaborative Solutions Integration Project—Howard Hood and Mary Moulton

- Aims to integrate different points along the sequential intercept model through screening and outreach. The goals are to provide rapid assessment, referral, treatment, and community integration strategies, through a team approach, to optimize a client's success. An outreach interventionist/case manager is responsible for people at several points in the intercept: pre-charge through sentencing

	<p>and at reentry. Currently, the case manager has a case load of 13 (7 SFI, 2 DOC, 4 Pre-charge), but also interacts with people who are currently or have been involved in the Treatment Court—there are 9 current Treatment Court participants. Recently, a screener has been hired to reside in the court house two days per week and will be getting referrals from programs both within Family and Criminal court and elsewhere.</p> <ul style="list-style-type: none"> <li>Expressed need within workforce to work with people in a non-labeling, flexible way. Wages levels often making hiring a challenge.</li> <li>The Project is also involved in developing a Progress Matrix to be used in Family Court with the parents involved in CHINS proceedings in order for clear, objective, and consistent language to be used to communicate between the judge, DCF workers, and treatment providers.</li> </ul> <p><u>Vermont Center for Justice Research—Max Schlueter</u></p> <ul style="list-style-type: none"> <li>Will provide report to legislature by December 1<sup>st</sup> that will review evidence-based programming through a literature review. There will be a list of key principles and a quick reference sheet on the VCJR website to assist in identifying program models.</li> <li>Also involved with providing an online survey for Vermont practitioners to identify effective programs. Need to develop incrementally, first look at outcome evaluation to determine if the project gave the desired outcomes. Then a process evaluation to look at what the process was, and the program evaluation looks at what the program did. Evaluation will help in determining if the outcomes were due to the program or other factors. This evaluation process uses principles of other research to not reinvent the wheel, so that programs that are not effective (or even detrimental) aren't replicated (e.g. boot camp prison).</li> </ul> <p><u>Department of Mental Health—John Pandiani</u></p> <ul style="list-style-type: none"> <li>August 5<sup>th</sup> Performance Indicator Project Report re: Incarceration after mental health and substance abuse services. The report showed that rates of incarceration for individuals served by substance abuse programs were substantially higher than rates of incarceration for individuals served by either of the mental health treatment programs throughout the study period. The incarceration rates for individuals served by substance abuse program increased substantially from less than 13% in 1995 to more than 17% in 2000, and continued to increase by small intervals to almost 20% in 2010.</li> <li>The data presented was from designated agencies adult outpatient, CRT and substance abuse services—it did not include residential or ADAP preferred providers that are not within the designated agencies. The information may not accurately reflect community need, all programs—it is dependent on the accuracy of the data that the designated agencies provide.</li> <li>This could mean that providers are reaching more people than they would have been otherwise incarcerated. There is variability among the regions within the state.</li> <li>Low risk treated with high risk interventions have terrible results.</li> <li>How does the culture of law enforcement play into these results?</li> <li>Suggestion for follow-up PIP—include all treatment providers.</li> </ul>
<b>Decisions Made</b>	<ul style="list-style-type: none"> <li>Invitation to Department of Public Safety Commissioner to join group.</li> <li>Engage law enforcement in process.</li> <li>Look into inviting Doug Marlowe to Sentencing Committee.</li> </ul>
<b>Decisions Pending</b>	
<b>Parking Lot</b>	Video of Doug Marlowe's training: Where is it? How to use it effectively?

### ACTION ITEMS

Action Item	Who's responsible	Due Date
Invitation to Department of Public Safety Commissioner to join group.	Karen and Patty	December 1
Engage law enforcement	Karen and Patty	December 1
Invite Windham County Sheriff Keith Clark to next meeting	George Karabakakis	December 1
Invite Doug Marlowe to Sentencing Committee	Karen	

### NEXT MEETING

**Thursday, December 1, 2011 at 9:30am** Supreme Court Room, 111 State Street, Montpelier