### **MINUTES**

of the

# Mental Health Planning Advisory Council Intervention/Prevention

meeting on

## Wednesday, July 1, 2009

held at

Division of Mental Health and Developmental Services 4126 Technology Way, Second Floor Training Room Carson City, Nevada 89706

## 1. CALL TO ORDER, ROLL CALL, INTRODUCTIONS – CONSTANCE, CHAIR

Roger asked that all identify themselves when they speak, so that Tanya can distinguish who is speaking when transcribing the minutes. Roger went over the Agenda. Constance called the meeting to order at 2:15 pm. She asked that everyone introduce themselves to serve as roll call. Tanya completed the sign in sheet. Constance introduced Flo Jones, Caroline Sanchez-Rangen, and Mercedes Maharis.

#### Members present:

- Caloiaro, Dave MHDS
- Cooley, Judge W. Consumer
- Daniels, Steve DOC

- Kosuda, Constance Family Member, Chair
- Norris, Rene Family Member

#### Members absent:

• Thomas, Alyce – Consumer

Staff and guests:

- Benitez, Tanya MHPAC Administrative Assistant
- Jones, Flo
- Maharis, Mercedes

- Mowbray, Roger Grant Consultant
- Sanchez Rangen, Caroline

#### 2. STRATEGIES FOR MAKING A DIFFERENCE

Constance said she thought this should be a brainstorming strategic session on how the committee can attack and make the positive changes to the specific systems which all impact the mentally ill so dreadfully. She offered to do the topic of Education first because Caroline may not be able to stay on the call the entire time. Caroline thanked her and said she had cleared the time.

#### POLICE

Constance asked if anyone has any ideas as to how to impact the police profiling and excessive use of force that goes on with the mentally ill, who are frequently veterans, homeless, very ill medically and mentally. Everything that Constance has been attempting to do for the last seven years has not gotten anywhere in this arena. Caroline said she has a friend who is a police officer who sits on a lot of different committees with education, drug and alcohol abuse with teens. Constance said she would be happy to meet with him and Caroline. They could report to the subcommittee or he could attend the call. Mercedes said she has a former corrections officer that she is in touch with frequently and he repeatedly states it is training. This is why a lot of the excessive force happens because there is not any training. The monies have basically been dried up and it is the only way. To have education for those who are in power. Rene asked Roger if there are any grants that can be written for obtaining training monies. Roger said he has not seen any recently. There were a number of them that came out in March. There were some associated with recovery money. Very few of them were related to training with mental health. Roger said he will take a look at the sources he is familiar with and see if they have anything.

Dave said that in Reno, there is a Crisis Intervention Training (CIT). He said that most if not all police officers go through 40 hours of training. It is offered under the MHDS agencies. His understanding is that the training is to teach police officers a more compassionate approach when they approach someone with mental illness and to understand better and talk with them rather than wrestle them to the ground. He suggested that it may be worth looking into. Constance said that the program exists and she knows people who have participated in it. She said it is very effective and the only problem that remains is that it is not offered to all police officers. A few years ago, she knew the officer who ran it; at that time they only gave it to the officers they deemed to be verbal. The ones who were more proactive did not receive the training. In her opinion, those are the ones that probably need it. When a person is on the street, homeless, psychotic, ill, they do not know who is going to drive by and spot them. When the police are called, they do not know who will be arriving at the home, even if a CIT trained officer is requested. Those are the gaps that remain. She is aware that Alyce wrote a letter, months ago to the CIT in Las Vegas, so that they could come to the regular Council meeting. She said that there has been no response as far as she is aware. Roger said that Sergeant Dave Tony is on the agenda for the August 12<sup>th</sup> meeting. He will be doing the CIT presentation from 2:30 pm to 3:30 pm. Constance said that may be a way to open up the door. Rene asked if the CIT training is offered for the correctional facility officers. Constance said it is her understanding that this training is only offered to police officers. Constance

said some of the problem historically has been that some people who work in the prisons have a very dogmatic approach. She said it would be very helpful to offer some sort of program to every single person who works as a guard in all of the prisons as well, especially for dealing with the mentally ill, because she has been told from people who have experienced it, that if there is a mental ill break in prison, it is also as viewed as behavioral infractions and the punishment for that is frequently solitary confinement, which only makes the condition worse and can actually cause rapid decomposition for the individual who has been put in solitary confinement. Steve said in his experience that is not true. He said he would like to go back to the prison Ombudsman. He said that is a good place to start because they would be able to verify the complaints. If there was an Ombudsman in the prison that could actually sit down with the inmates that have these complaints, verify the complaint and then let this committee know what is going on, then the committee has a place to start. Constance said she agrees. Flo agreed. Constance asked how they can get an Ombudsman. Steve said as a committee they need to discuss it as a stand alone issue. It would be very powerful in terms of being able to gather verified data. As a prison Psychologist, he hears stories from inmates but he has no way of independently verifying that what they say is true. Mercedes said if they were to look at some of the 407 cases that were filed as of February in Ely State Prison, that there are a lot of documented instances. Steve said it may be very true. If the cases have been verified, then that verification needs to come before the committee before they can make any kind of recommendation about how to deal with the situation. Caroline said those who come forward are afraid of retaliation. How can the committee make sure that they are not identified? Steve said when an Ombudsman position is set up, part of it has to be that there is confidentiality for those that come forward. It has to be realized at some point, someone is going to want to know where this information is coming from. Constance said one of the bills that went before the Legislature had a provision at the end of it, that there would be an Ombudsman or a prison oversight committee established and they would collect data and report back to the Legislature directly. Flo said the bill has not passed. There has been discussion about it. At the April 14<sup>th</sup> Board of Prison Commissioner hearing in Carson City, they were able to get a commitment from the Attorney General and the Secretary of State that they would support an Ombudsman and the league of Women Voters was leaning toward being involved in that also, but nothing has come to fruition on that to her knowledge. Constance said that the time is right. She said it would be nice to determine what would be the first three steps in bringing about an Ombudsman or oversight committee in every prison. Judge Cooley said it will take a long time to get an Ombudsman. What the committee can do in the interim which is to say that they want to give money to something specific. If they stay on that track, it could be the springboard to allow them to ask the Legislatures, the officials will see that the committee is just attempting to do well; they are not trying to usurp anyone's power. They have to be careful because retaliation is a real issue because the entire system is

about power. They can not be perceived as a group "coming in to take over and change things." They have to go in as a source of help. She is asking that the committee focus on how they can go in and help individuals by helping the system. Mercedes asked how many more suicides are they going to have to go through before they get an Ombudsman? She has six reports this month, of attempted suicides. She can not go in there and investigate them and the Attorney General is not returning her call. What is being said is wonderful. Everyone needs to work together, but how can that happen when there is an antagonistic system in place, that is not humane in her opinion. How is that going to happen? Steve said that just because there is a suicide attempt, it does not mean that it is related to any kind of abuse. It may or may not be related to abuse. It may be related to a preexisting depression that the individual came to prison with. Mercedes said that the reports are coming from lock down units, where people are desperate. This is why she really wants every document that she can get her hands on regarding solitary confinement. Steve said the committee can start out slow with the Ombudsman, and have volunteers to help collect the information. Constance said that many of the people on this call have been doing that volunteer work for 20 or more years. They have hundreds of documented instances including photographs, medical records, etc. It has become a life or death situation for too many people. She said they have done the ground work. They are willing to be reasonable, but it is also time to get something accomplished. Steve said if the committee has the data and they know what the situation is, what can they are going to do with the information. Whose attention are they going to bring it to, in order to enact some sort of change in the system? Caroline said for the families who have children who are incarcerated, what if the committee asks them for information from their special education areas. Did they go in with a mental illness, issues-mental wise as long as they were in the system? Maybe the committee can get the information that way, and see how it has impacted them inside the system. Steve said people come to prison not because they have mental health issues but because they have committed a crime. Secondarily to them committing a crime, they may be mentally ill. If they grew up in an environment where the parents are aware, many times they have broken contact with their parents before they ever went to prison. The parents do not really know what is going on with them anymore. They go to a life of crime for whatever reason and they end up in prison. They come to prison, they do the intake. The prison does not have any information about what they were like before they came to prison. No one provides that to the Psychologist. They have to make an assessment based on the person sitting front of them. Caroline asked if they ask if the person was receiving some type of services prior to them committing the crime. In school did they receive some kind of services, do they get the background by asking the questions. She said that they do come from somewhere. There are a lot who have mental illness. Part of the reason they are discussing this is because a lot of them do have mental issues, do have mental disabilities, do have cognitive issues and they are not being addressed and that is how a lot of them end up in

the system. Constance said that they heard from retired judges who testified in front of the Legislature a few years ago, who had visited juvenile justice facility, and prisons. They had put many of the children and young adults in those facilities and some of the judges said on record that in some facilities over 90% of the young people there have mental health problems that were never treated. As a retired attorney, she said that she would rather that they say a law was broken rather than a crime was committed because some of the laws that are broken that result in a kid going to prison can be nothing more than what could be seen by someone else as a behavioral problem. A child can act out and wind up locked up. She is more interested that the committee focuses on keeping children out of prison, by making sure that they are taken care of while they are still in school. Then when they come in contact with the police they are not stereotypically profiled and then needlessly arrested rather than referred for treatment. Someone can be treated in the community for \$2500 per year or incarcerate them for \$25 to 50,000 per year depending on the prison and the cost of the land.

Constance said she would like the committee to focus on three areas.

- 1. Police Profiling and excessive use of force
- 2. Prison Medical abuse and neglect requiring an Ombudsman/oversight committee
- 3. Education preventing children from growing up and going to prison

#### PRISIONS/JAILS

Mercedes said it is impossible to get solitary confinement accountability and data statistics from the Nevada Department of Corrections (NDOC). She said she has tried for over a decade. To the best of her knowledge at the current time, they still do not keep records on solitary confinement. She gave a case regarding a man who reports that he has been in solitary for fourteen years. She said they need to have accountability and records keeping regarding this terrible issue of solitary confinement, excessive lockdown. The second records' keeping that people need to have access is the use of excessive force. She has requested from the Attorney General's Office excessive force records for the past five years' because that certainly impacts on mental health. The third item is that there should be an allowance of correspondence courses throughout jails and prisons if/when families or sponsors can pay for them to keep mental health up and learning alive because it in general dies in prison. They also need to make sure that there is non interference with delivery of correspondence course materials by mail room officials. In the Department of Prisons, the mail is terrible from reports that she has gathered and that are submitted to her repeatedly. She believes that having access to records about excessive force, solitary confinement, and they should ask for reports biannually from NDOC officials to compile statistics about those items. They can be invaluable. She believes they are out of control and the suffering that

results because of this refusal to give information or to keep information. It is possible that they do not have the personnel to do it but they need to have it in order to know exactly where they are. Caroline suggested possibly going through the veterans. There are veterans that are getting locked up because of their mental illness coming back from Iraq and maybe if they can get someone from that area helping, they can get into other areas. Mercedes concurred. Constance and Judge Cooley concurred. Flo said she has been working with Senator Reids' Office on another matter successfully for the last few weeks. She does have a contact in his office this is directly handling his regional veteran's affairs issues. She asked for permission from the Committee to contact Bob Sharp on behalf of the Committee and ask him to look at his schedule for a meeting in August, so that he may be able to address this issue and give the Committee some support directly. Constance said it would be great. Rene said another item they may want to look into is getting Mental Health Services in the prison under MHDS. Then the committee can actually go in and monitor them. Rene said the Council receives money from the Federal Government to monitor the rural clinics. If they had the mental health services under MHDS, the Council would have the authority to go in and monitor. Actually speak with some of the inmates, have focus groups with them and the clinicians, to find out what their needs are. Like the Council did with the Pahrump rural monitoring. With the recommendations the Council made, MHDS used some money to get a lot of the items that the Council recommended. Constance said that is brilliant. She thanked Rene. Constance said that is a way to start what the committee is focusing on, which is a prison oversight group. Caroline said a lot of times the veterans were in special education. They chose the military career because civilian life was very hard. Unfortunately, there is a high correlation between the structured life of the prisons and the military. Judge Cooley suggested that they have a list of directions that the committee believes should be examined prior to meeting with the representative from Senator Reid's Office. That way, when the representative comes, he has had time to gather information about the issues that are important to the committee. Constance suggested that everyone put their thoughts on paper and send each other emails so they can document everything that is discussed. They can compile their notes and develop a plan of action. There is amazing correlation and overlap between the various arenas. Mercedes said there was an article on the 28th of June in Parade that might be of interest. She sited one figure. Since 2002 Congress has allocated more than 7.5 million to establish mental health courts, which operate in about 200 jurisdictions in the country. She asked if one is being operated in Las Vegas. Rene said that is one, but she is not sure who operates it. Constance said there is one, but it is very frustrating. They see only a handful of people per year. It is very expensive. She has been a part of the mental health coalition, and they found out that the person had to have three prior arrests to be considered for a proceeding in front of the mental health court. She said there is room for improvement. If a person has three prior arrests, their life is pretty much ruined. She would rather that something is done much earlier.

Caroline said she has a friend who is a veteran and who writes articles and has been doing this for the past 20 years. She said mental health is a big issue. He works alongside Senator Reid's Office. She said it would be nice to have him at the next meeting, and get some input from him. He may be able to give the committee some guidelines of where they can go to get what they need.

Constance asked Tanya when and where the August meeting was being held. Tanya replied that it is August 12<sup>th</sup>, and it starts at 8:00 am and goes until 4:00 pm or later. She believes it is at 6171 W Charleston Bldg 8, Las Vegas, NV. There is not a location in Carson City; however, there is a location in Reno, NV. The location is Sierra Regional Center 605 South 21<sup>st</sup> Street, Sparks, NV.

Rene said when the people are released from prison are their mental health issues being followed up on also. A lot of time, their medical and mental issues are taken care of while they are incarcerated and it is a stipulation of their parole, but no one follows up with them and then they re-offend. They do not educate them as to why they need to get the help. They do fine while they are incarcerated and receiving treatment. Then they let them out and do not follow up to verify that they are receiving the treatment they are required to get. Steve said that she is correct. He believes that this is a wide spread problem. It occurs before prison, in prison, and after prison. The question is what the best way to approach this is. He proposes that the family be strengthened. Rene said that it is not possible to go into each family. There are many that are dysfunctional. Constance asked Steve to send an email to her in regard to strengthening the family with steps. How would the committee go about doing that?

Flo said that having an Ombudsman for every prison may be unreasonable, but is it possible to set up transparency and give people who are complaining a place to go to complain and someone to pilfer it out so that the DOC will know what is reasonable and be able to deal with reasonable issues. A list of reasonable expectations could be given to the Ombudsman, so that those who have loved ones incarcerated and have an issue can communicate with someone. She said communicating with the Director of Prisons has not been successful at all. She would like to see the Ombudsman person as a sanction of the Board of Prison Commissioners, which would be the Governor, the Secretary of State, and Attorney General, and have the right to report directly to them. Then they would filter the reports directly to the Director of Prisons. There would be some teeth in the position and not just a feel good some one that letters could be sent to. This person could really look into the issue and get it taken care of. Steve said it is an excellent idea. Does anyone know how the Governor feels about having that type of position? Flo said at the meeting on the 14<sup>th</sup>, the only people who responded were the Attorney General and the Secretary of State. The Governor left quickly with a guard and she does not

know his position. She would be glad to seek that out, if that is something that the committee would like her to take on. Constance said that would be fabulous if Flo would do that.

Constance said they could do oversight through Federal money. How could they actually do that? Rene said that first the mental health services for the prisons would need to be under MHDS, not under prisons. Rene asked for Dave's input.

Dave said that would be a significant change and he is not sure that it could be done. It would be a structural change that could involve a revision of the Nevada Revised Statutes and the Nevada Administrative Code. It enunciates in Nevada Law what the Division can and cannot do. Rene said in the state prisons, the Psychologists, Psychiatrists are paid by the DOC. They are not positions under MHDS. Dave said it does define that MHDS is over eight agencies. For something that significant it would probably need to start with some sort of authority appointed commission that would study the issue, including if this is being done in other states. It may or may not be, and whether something like that would work in Nevada. He would think that it would take some form of a commission or formal body to do a very comprehensive study to see if this would be the way to go with this. Rene asked Roger about the Commission on Mental Health and Developmental Services doing the research because the Council is paying for a researcher. She asked if they could access them and have them research or write up the information. Roger said that question was already posed to the Commission as to what authority the Commission has over the prisons. He said he would look into the answer from the Attorney Generals Office. Rene asked if there is a research position on the Commission. Roger confirmed. Rene asked if it would be possible to access some of that service to research how to get the mental health services in prisons under MHDS so that the Council can monitor it and make sure that the inmates are getting what they need. Roger said he would volunteer to review the terms of the Community Mental Health Services (CMHS) Block Grant. The Block Grant does not address inpatient services. He is not sure how services in a prison facility would be viewed. Caroline said that there is a Commission through the foster care. They have some kind of committee that is watching the children that are in the foster care system. She asked if it is possible to do something similar. Constance asked if it would be possible to find out the name of the group.

Steve asked what the perception is of what goes on in the prison mental health system. Constance said she will do that in an email. She said she would send that to all on the committee. Steve said to him it is a key question. He asked if people are under the impression that there is not a mental health system or that it is a substandard system, or what services there are. Steve said if people are under the assumption that no services exist, then when a complaint is received, people are going to take it at 100% face value. If people are under

the impression that a valuable system does exist, then people will look at the complaints a little differently. Mercedes asked how many people are currently Psychiatrists in NDOC for about 13,000 people. Steve said in NDOC he is not sure. At NNCC there are three Psychiatrists. There are not 13,000 at NNCC. Mercedes said that they need to know how many Psychiatrists and Psychologists are employed at NDOC. Constance asked Steve if they have policy manuals for the departments. Steve said that everything done in the prison is covered by regulations. Constance asked if he would share those. Steve said he does not have the authority to share those.

Judge Cooley said with the experience of the people on the call. There is no way, they are going to hear one inmate's story and run with it. Everyone on the call knows how to go through policies and protocol. She said the debate going on at this point is totally irrelevant because if it gets where someone on this call can hear a story of an inmate, they will know how to proceed in a fair and equitable way. To assume that they are going to hear a story and run out and not check the facts, it is not going to happen. There is too much experience of the people on this call. She said she believes they can move on.

Flo said that if anyone has a priority that they would like her to work on with Mr. Sharp, she would need it within the next two days or week in order to get him enough notice to be available.

Rene asked Tanya to do an email address list of everyone and send it out. Tanya said she would. Constance asked Roger to look at the Block Grant. Roger said the purpose would be to determine if the federal funding that provides for the Council and therefore this committee to see if that funding allows for mental health services being provided in prisons. Constance said he may want to do some research regarding the term inpatient. At one time, it was held that inpatient did not refer to an incarcerated individual unless they fully reside within any imprison hospital which may exist. If they are in the general population and they just happen to have a mental illness, she doesn't believe they are considered inpatient.

#### EDUCATION

Constance asked what can be provided for the children so that they do not end up in prison when they grow up. She said that she knows in her work with Caroline as an advocate in the Clark County School Board, Clark County School District, in some testimony in front of the Legislature, in some due process hearings and in some IEP's, that far too often the children are not getting what they need to be taken care of while they are in school so that they are able to learn and so that they do not drop out of school in frustration or that they are not kicked out of school for unusual reasons, which occur far too often. They are often related to disability and a failure to meet the needs that they have in order to succeed. Constance said she invited Tanya Brown. She

was unable to be here today. She does plan at the regular meeting in August and also at the next conference call. She plans to participate with this subcommittee. Constance said she thinks one of the strategies would be getting press and media coverage of all of the issues. In particular education but also the police, profiling of the mentally ill, which will lead to an undue percentage of the mentally ill being put into jail or prison as a result of a symptom of an illness, and then many hear about instances of police abuse or excessive use of force and then also the need for specifically in the jails and prisons of this entire state to have a position of an ombudsman established or a full fledged oversight committee with a member in every single prison in the state. She is looking at press and media. Constance opened to the group for discussion. Judge Cooley said it may behoove the group to narrow down what they are saying. If they have a wide approach it is not as powerful as if they were to take an issue about the prison, an issue about education, and become very specific in what they are asking. It then becomes easier for the media to help. Judge Cooley said when speaking in generalities, it is easy for the media to say ok and put them in a pile with all of the general approaches. Flo concurred with Judge Cooley. They need to pick the top issues and concentrate on it. She asked everyone to consider as a composite between education and prison, would be looking at the special education population that has already been identified as needing more time to learn, more time to learn how to behave etc., yet when they turn 18, the door is opened and they are told that they are through and given a certificate. The child is no longer under anyone's rule. They are able to go and do their thing. Six months later they end up in prison. She would like to suggest that the group consider the possibility of extending the special education services on an ongoing structured basis for people who have not had time to mature enough to be successful without anyone looking over their shoulder and giving them guidance to have programs available that would be less than prison costs. She believes it is something that could be constitutionally acceptable. It would not be a lock down situation, but it is something where people who have already had the need for services would continue to get them until they do not need them any longer. Rene said they have special programs for people who have mental retardation (MR), training them for the work force and how to live in society. Caroline said when a person is identified with a different disability, especially one that can be seen or noticed, a lot of times the children who have mental issues go in as behavioral issues and is skipped over until they become teenagers and then they are kicked out of school or they drop out. Those that are identified with MR have been identified and they have services. When they have behavioral issues and they are mentally ill, they do not have the services they need. One thing people do not understand is when there is a school psychologist or a school counselor; they are endorsed only by the district. They are not state licensed, so they can not diagnose. They can work in conjunction with that child's doctor, but the problem is nine times out of ten, one of the parents do, and are they being treated. Rene said the doctor does not come to the IEP's, evaluations or anything like that. The person

would have to pay for a doctor to do that. All the school district goes on is the evaluations that the parents bring.

Judge Cooley asked if it is possible to gather information about the number of prison inmates that have been in a formal special education environment. That will give the committee ammunition if there is a correlation between special education students and incarceration. This may be an area where the committee may want to look at making a donation or trying to make a grant available for the schools to use for evaluations. This may be something that the Council can consider distributing money to. Rene said that they take what they want out of the evaluations and the parent doesn't have the doctor there as a back up. Caroline said the school district has a problem with transparency so someone outside would have to monitor and make sure that the funds are going where they are supposed to go because that is part of the problem the district has at this moment with special education. Constance said she likes the idea of having a grant available, but she would rather it go to parents who apply for it. Rene said that way the Council can monitor the money. Constance said the Clark County School District has a yearly budget of between \$2 and \$4 billion. Even though things are required by law, many of the parents are not getting what their children need from the schools. They can not rely upon the schools to do the right thing.

#### 3. PUBLIC COMMENT

Constance said everyone has made a lot of fabulous suggestions. Roger asked Constance to verify the three main areas that she wanted to focus on. Constance said: A) Police - Profiling and excessive use of force

B) Prison - Medical abuse and neglect requiring an Ombudsman/oversight

committee

C) Education – preventing children from growing up and going to prison

#### 4. SET DATE AND TOPICES FOR FOLLOW UP MEETING

Meeting set for Wednesday, August 5, 2009 from 2:00 pm - 4:00 pm Follow up on specific tasks

#### 5. ADJOURNMENT

Rene motioned to adjourn. Flo seconded the motion. Meeting adjourned at 3:30pm.