



Sheriff Tim Carter

**initial working draft for MA**

Mon, May 17, 2021 at 1:27 PM

Hi Lisa.

Since I am not able to access the data or objection document on SharePoint, here are some comments and suggestions/objections to the #2 Draft. I appreciate the allowance for input after Draft #1, and I could tell that some of the points that I made were addressed.

I wanted to get these objections to you prior to today's meeting. See you at 3pm. Thanks.

Observation/Objection:

1. In "Summary of Section IV: Accountability and Evaluation - I realize it is explained that a state crisis call center data platform is being bid and researched for implementation of sharing local and state data. How does this platform dovetail with varying existing Records Management Systems (RMS) in use throughout the state? That question is hopefully being asked. The reason I bring this observation up pertains two-fold to issues that we in local government are or have been dealing with for some time. First, the recent legislation pertaining to racial and ethnicity data collection, and law enforcement interactions, was never properly vetted through the RMS vendors and locality systems that use such data platforms in law enforcement reporting requirements. As an example, my staff, to meet the state requirements, must manually create a database, and send this information into the state periodically. While, if the original statute was vetted properly, and the subsequent update to the same law, then maybe the information could have been merged with DMV data, as an example, and auto populate the information that law enforcement is required to collect and report. As it is, this process wasn't done. Secondly, as it pertains to state agencies, there seems to be this mention of the state having a reciprocal agreement in sharing call data specifics into the 9-8-8 system as well as operational data from interactions on that "side of the house," but I see nothing specific requiring it. I would hope that our stakeholder group could make the language stronger to suggest that the state will share information with localities that is pertinent to behavioral health and related calls for service. I guess you can say, this comment is not an objection, as much as it is a continual observation that the state continually forces unfunded mandates to localities, while not making the same requirements upon itself.

2. Next, in the same section, the written agreement that will be made between DBHDS and DCJS.....I am hopeful that the Virginia Sheriffs Association, the Virginia Chiefs of Police Association, and the Regional Training Academy Association will have some review and input into this agreement. I think that critical vetting needs to be mentioned as well. There may be other entities that should have input or review of this agreement also.
3. In "4 Level Triage Framework" Still objecting to the language of "lead" in Level 3.
4. Also, in the same section, there was a lot of discussion (recently) of how or where to place juveniles into the 4 Levels framework. I may not understand the final decision, but the concerning part of the discussion; there was no mention of the local school division and their role in these matters. In my locality (I gave this example in our last small group meeting), when we deal with a behavioral health call that pertains to a juvenile, we automatically begin a dialogue with the school division. Mainly because of the relationship our School Resource Officer Program has with school administration, but also because the behavioral and mental services outside of the school system in our community are extremely lacking. I am thinking that my county is not unique in this respect. I would not change the response simply for the sake of the age of the person in need of services; as it was mentioned "Police response to youth.....normalized." In other words, I do not agree with this line of reasoning. As I explained in the small group, we have had the entire school division shut down over a rumor on a child's social media account, whether you believe or do not believe the child has the means to commit violence, the incident can and does take a life of its own.
5. Not an objection - but the analogy "do no harm" v. "protect and serve"is it really necessary. I believe that both organizations have a duty to serve public safety....I realize that is mentioned at first, but still.
6. In "Description of the voluntary database requirement for each 9-1-1 center" there is the local unfunded mandate again with no mention of state responsibility as it creates its own database from this information provided by localities and information it gathers independent of the 9-1-1 centers, the law needs to be reviewed and amended to include both.
7. In "Level 2 - Response Considerations" I believe the responding law enforcement agency should be able to request that the call for service be elevated or upgraded also. In a rural community, the law enforcement officer may arrive before the behavioral health responder, if the on-scene units need to upgrade the call, then they should be allowed to do so, otherwise, a crisis could develop while waiting.
8. In "Level 3 - Response Considerations" I object with the role given to law enforcement in this level. I believe the guidance is too restrictive to law enforcement 1st responders. A provision of the law indicates, "when feasible," we need to let 1st responders have discretion and leadership as these calls unfold, instead a system is developing that determines an hour response, or an hour and a half response, and the law enforcement unit is there to wait during that time period.
9. From a practical standpoint, I believe that Level 3 responses or calls for service will generate an emergency response in many cases which is another reason I am still having difficulty with the role of Law enforcement in this Level of the Triage.

10. In "Community Care Teams (without law enforcement)" I am concerned that there will be deconfliction issues, and an ultimate risk to public safety with a community care team and no law enforcement presence, especially on a Level 3 call for service. I object to promoting such a concept at that level.
11. In "Section IV - Local Reporting Requirements" How will data on all "Marcus Alert 1, 2, 3, 4.....even if a Marcus Alert response team is not dispatched." be collected?
12. In "Marcus Alert Accountability Framework" there is an exceptional amount of local review, predominately of the response of law enforcement, but there is only vague or general review or oversight remarks pertaining to the behavioral health response, the allied agencies, or other responding units to a particular call. Seems to me to be overwhelmingly anti-local law enforcement. This language conflicts with the prevailing "lead" language in most of the triage response language. In other words, if the behavioral health unit or staff response is the lead unit, they will be the focus of review - their decisions, their direction, etc.? The language does not support this review. In other words, if law enforcement is the "back-up" unit, why is so much detail and focus being brought to bear on their actions, and not the actual lead authority on the call? I do not agree with the tone of the evaluative language, unless there's "equal time" or scrutiny of other responding units and agencies. At present, there does not seem to be equal treatment.
13. In the same section - The language of Citizen Review Boards is most prevalent - I object. The locality may conduct its own assessment of a call for service through the governing body or internal review by the law enforcement organization, the local Commonwealth's Attorney may review the call. Sheriffs are reviewed through election. Town or city Chiefs of Police are reviewed through their governing body's evaluation process.
14. In "9.1 (Criminal Justice) Requirements section - "(iii) plans for the measurement of progress toward goals for law enforcement.....subsections E." In my opinion, the progress for law enforcement goals of participation in the Marcus Alert system is vastly different than operational evaluations of calls for service as mentioned in the earlier section. I believe it is an "overstepping" or "over-reach" as it pertains to the spirit of the law in all of the operational language in the earlier section. I object, in that I believe our state work group should be focused on how to help law enforcement evaluate goals of participation, not calls for service critiques.
15. In section "Summary of Accountability Framework" I admit I am not familiar with Mr. Ostrom or Mr. Polanyi. I am not sure I understand what is being said here. If the intent is that you want to make behavioral health part of the unified command system, they already are, at least as far as I am concerned. Which is why, if they are, then they should be evaluated, as all responding units, as the local law enforcement is being identified to be evaluated, but the language is not clear on this matter.
16. There needs to be some mention of how the Marcus Alert system intersects with criminal violations of the law.

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Gmail - initial working draft for MA

Thank you!

Tim

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