Alaskans in crisis often get tangled in the criminal justice system

When the state’s biggest provider of behavioral health services is the prison system, experts say, it’s time to start thinking differently about crisis intervention.

By the Alaska Mental Health Trust Authority
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The Alaska Department of Corrections operates 13 correctional institutions capable of housing more than 4,800 inmates in locations across the state.

It is also one of the state’s largest providers of behavioral health care services.

On any given day Alaska Mental Health Trust beneficiaries represent a significant portion of those who are incarcerated in Alaska. Forty-two percent of Alaska inmates are identified as Trust beneficiaries each year, and about 22 percent of that population is considered to have severe, persistent mental illness, according to DOC Chief Mental Health Officer Adam Rutherford.

“Our doors are always open, and whoever walks through our door, we provide services for,” Rutherford said. “It’s extremely challenging. We always have a waitlist for both our men’s and women’s acute mental health treatment beds.”

It doesn’t take much for a behavioral health emergency to lead to criminal charges, but professionals on the front lines say it doesn’t need to be that way. Over the years, new approaches have demonstrated success, among them a therapeutic court alternative to the traditional criminal court process and, more recently, a specialized police team that incorporates an experienced mental health clinician. Now there’s a new approach to behavioral health crisis on the horizon, and proponents say it has the potential to help even more Alaskans stay out of jail and get into recovery.

Behavioral health services in prison

In Rutherford’s line of work, sometimes a criminal record can practically serve as a diagnostic tool. When you encounter a person who has a long string of low-level trespassing offenses, he said, there’s a strong likelihood that they experience some kind of mental health disorder.

“It speaks to the lack of community mental health services in terms of being able to intervene,” Rutherford said. “We often hear that ‘We bring these folks to jail because we know they’ll get the mental health treatment that they need.’ That’s not how we want to see our mentally ill populations managed.”

Inmates with behavioral health disorders have access to a full spectrum of care, but they’re also likely to spend more time in prison. On average, Alaskans who experience mental illness end up serving 100 percent more time for a felony than those without mental health issues, and 150 percent more time for a misdemeanor. That’s partly due to the fact that they may have less ability to access resources like legal representation, Rutherford said, and it’s also a reflection of the state of behavioral health services available in the community. Without early intervention, people are more likely to end up on the wrong side of the law. They are also at higher risk of recidivism.

The prevalence of behavioral health issues in Alaska’s prisons means that corrections officers are called on to assist in a wide range of demanding situations, according to Rutherford. They receive training in
mental health first aid, de-escalation and suicide prevention, but the population is large enough that often, crisis intervention is the best they can do.

“Our officers do become quasi-mental health workers, and I don’t think that’s what anyone expects coming into the corrections field,” Rutherford said. “A large portion of our folks are mentally ill, so a large number of our officers are dealing with those crises and managing those crises, and they do an incredible job.”

Still, he added, it’s far from ideal to have so many people with behavioral health care needs in the prison population.

“When our facilities were built, they weren’t designed to house mentally ill individuals -- they were designed to incarcerate folks,” Rutherford said. “We do a heck of a job, but that’s not what corrections is really for.”

A courtroom focused on healing

The rate of behavioral health disorders among Alaska inmates might be even higher if it weren’t for an alternate path to justice provided through the therapeutic courts.

District Court Judge Pamela Washington presides over the Anchorage Mental Health Court, formally known as the Coordinated Resource Project, or CRP Court. It is one of several specialty courts designed to lead to more constructive solutions for veterans, parents and individuals who experience mental health or substance abuse disorders.

“We are trying to create opportunities for criminal defendants,” Washington said. “Our ultimate goal is to reduce recidivism.”

Defendants who are referred to CRP Court must be evaluated to assess their fitness for the program, and they must agree to enter a plea of guilty or no contest and participate in a structured case plan that includes mental health services and substance abuse treatment. Their court team -- the judge, prosecutor, defense attorneys, therapeutic court probation officers, and project coordinator -- meets regularly to review the defendant’s progress. Upon successful completion, they receive a reduced charge and sentence, or their case is entirely dismissed.

In Washington’s courtroom, the focus is on getting each defendant stabilized and back on a path that leads away from future brushes with the law. It’s built on the same philosophy that drives the successful DOC reentry programs for behavioral health patients who are about to be released from prison: If a person’s immediate health, safety and daily living needs are met, they’re more likely to stay in treatment and less likely to reoffend.

“Our goal is to connect participants to housing, connect them to services, and get them stable on their medication,” Washington said. “If they choose to participate in the court, they will receive a greater benefit than can be achieved in the regular court process.” A 2008 Alaska Mental Health Trust Authority study found that the mental health court generated overall cost savings and resulted in lower rates of recidivism among participants.

Washington describes the CRP Court, which was established in 1997 by a partnership between the Alaska Court System and the Alaska Mental Health Trust, as a collaborative team approach to helping defendants navigate the criminal justice system and link them to community services. The people she sees stand accused of misdemeanor and felony offenses connected to untreated mental health and substance abuse issues. The Coordinated Resource Project Court gives them access to treatment and supports.
“It’s not unusual for me to get cases where family members or community members contacted the police because someone was starting to act erratic because they stopped taking their medications -- they’re trespassing, they’re engaging in odd or aggressive behaviors, and the family members want help” she said. “Instead, the person’s conduct results in criminal charges like resisting arrest, trespassing and criminal mischief. It would be nice if the police could take that person to a therapeutic facility so they can get back on their medication instead of taking them to jail.” By the time someone ends up in mental health court, she added, often they have burned bridges with family and friends.

“It’s really sad,” Washington said. “You just don’t do these things unless something is going on with you.”

If there’s one thing that’s apparent from her caseload, she added, it’s that behavioral health disorders don’t discriminate.

“Some of our participants are engineers or schoolteachers,” Washington said. “A mental health crisis can land you in the criminal justice system. With the right supports, they can return to active productive lives. It’s not anything for people to be ashamed of.”

A new approach to policing

What’s even better than having a case diverted to the therapeutic courts? Never having to open a criminal case at all.

That’s one of the goals of the Co-Response Unit of the Anchorage Police Department, staffed by Crisis Intervention Officer Ruth Adolf and Behavioral Health Counselor Tanya Vandenbos. For the past two years, Adolf and Vandenbos have partnered as a mobile unit within the Crisis Intervention Team, responding to calls and conducting follow-up work in partnership with available community resources, to include the court system and community mental health agencies.

“It’s a specialized response, essentially, to the crisis right here, right now,” Adolf said. “We can, a lot of times, figure out a solution right there in place. Our goal is always, if we can, leave the person in community or deter or try to divert from jail or from the hospital.” Their team was recently expanded with three additional Crisis Intervention Officers to add coverage on more shifts.

When she does make an arrest, Adolf said she tries to be proactive in referring the accused person to the therapeutic courts, but ideally they can work things out without getting to that point. Often, Adolf said, the person who initiated the call will be open to a resolution.

“People know once a person is in the criminal justice system, it can turn into this snowball effect, and it’s this never-ending cycle and the person is never getting the help they need,” she said.

Following up to ensure people in crisis get stabilized and connected to resources is a top priority for Adolf and Vandenbos. It’s also part of what sets them apart from traditional patrol units.

“We do this every day, so there’s a lot of knowledge there, a lot of experience, a lot of connections that a regular patrol officer would never have -- and you can’t expect them to have,” Adolf said.

Making it work requires a level of empathy, compassion, and time commitment that isn’t always realistic for busy patrol officers who are used to the direct cause-and-effect approach to public safety: If there’s probable cause to believe someone committed a crime, you arrest them and take them to jail.

“When we work with this population, it’s not that simple,” Adolf said. “It’s a relationship, it’s trust, it’s rapport, it’s teamwork.”

“We would sit there, figure out what a plan is, call other agencies,” Vandenbos said. “Perhaps Ruth and I go (back) out in a week or so to say ‘What do you need to keep this from happening again?’ We help
them get reconnected. We are there to support and to advocate.”

One of the things they keep in mind, she added, is that the situations they encounter don’t exist in a vacuum; they’re symptoms of ongoing issues that need to be addressed in order to secure the safety of the individuals, their families, and community at large.

“We like to think that that’s a one-day thing and that’s why officers get involved, but it’s just that the one day is the bad day and this has been going on for months,” Vandenbos said.

A new model for preventing crisis from being treated as crime

Although their roles in the criminal justice system are all very different, Rutherford, Washington, Adolf and Vandenbos all see opportunities for improvement in Alaska’s systems of care for behavioral health -- and they all see potential for some of that improvement in the Crisis Now framework being developed under the leadership of the Alaska Mental Health Trust Authority, the Department of Health and Social Services and other community leaders.

“It’s just really going to change the ballgame here when it comes to continuum of care,” Washington said. “Crisis Now gives us an opportunity to be able to divert some of those people away from the criminal justice process entirely.”

Comprised of new services including a 24-hour hotline, a mobile response team, peer support and a 23-hour crisis stabilization center, the Crisis Now framework planned for Anchorage, Fairbanks and the Mat-Su would provide an entirely new destination for people experiencing a behavioral health crisis. Professionals working in the emergency response and criminal justice system say it has the potential to drastically decrease the number of people who end up in handcuffs.

And the benefits won’t be limited to those who manage to avoid prison. Fewer inmates with behavioral health issues means reduced pressure on DOC service providers, which translates to better outcomes for all inmates.

“There are folks that truly belong (in prison), and it allows us to focus on how we can rehabilitate those individuals,” Rutherford said.

That, in turn, has the potential to reduce recidivism, which is good for public safety -- not to mention the Alaskans who will, hopefully, end up in treatment instead of behind bars.

I would love to say that we have the resources to meet the needs of every individual, but we can’t,” Rutherford said. “I think the biggest hope is that we don’t see them come into our system. I’m really hoping the Crisis Now model can have an impact on that.”

Read the rest of the series: Part 1 - Part 2 - Part 3 - Part 5 - Part 6

The Alaska Mental Health Trust Authority is a state corporation that administers the Alaska Mental Health Trust to improve the lives of beneficiaries. Beneficiaries of the Trust include Alaskans who experience mental illness, developmental disabilities, chronic alcohol or drug addiction, Alzheimer’s disease and related dementia, or traumatic brain injuries. Learn more at AlaskaMentalHealthTrust.org.