

S. 47 Testimony Mourning Fox 3/15/23

Introduction and thank you

- DPS is in support of the clarifying language that brings this older statute in to line with gender neutral language.
- DPS also wants to acknowledge and thank the Vermont Care Partners and the Designated Agencies for the healthy dialogue over the course of the last several months to discuss the possible changes to this statute.
- DPS would like to bring forward a serious concern to this committee related to the current version of proposed changes to this existing statute.
- On Page 2 of this bill under section 7505 subsection (b) it proposes to change language to include, “a mental health professional, when clinically appropriate may provide the transportation.” A few things to note here.
 - We recognize that the qualified mental health professionals do not “take people into custody” and that this is a concern for the Vermont Care Partners and Designated Agencies. We are in support of the language added in version 1.1 that allows a mental health professional when clinically appropriate to provide the transportation.
 - We are pleased to see this change within version 1.1 of s. 47. This makes sense since in this day, where we are working on many fronts to remove law enforcement as a primary point of contact for mental health crises (Embedded workers within various law enforcement entities, CIT model in a few communities, BPD’s CSL and CSOs, and the exploration of a CAHOOTS model in Burlington to name a few), and limiting transportations to only law enforcement would seem counter intuitive, and honestly a poor direction for us, as a state, to move in. In addition, Section 7511 which governs transportation for people under this section, also states that the Commissioner of DMH shall ensure that the transportation is completed “in any manner that: prevents physical and psychological trauma...and represents the least restrictive means necessary for the safety of the patient.” I dare say that being handcuffed, or even put into soft restraints, and placed in the back of a police cruiser is at times neither the least restrictive means nor will it prevent psychological trauma. We understand that we are talking about individuals who are deemed a danger to self or others due to their mental illness and because of this dangerousness, it is likely that the safest mode of transportation will be through law enforcement, however, there are times when this level of security in the transportation is not necessary and having the option to have others provide the transportation should not be removed.
 - I would also like to remind this committee that the section of law we are discussing here today, also applies to youth who meet the criteria of being a danger to self or others due to a mental illness and limiting transportation to only law enforcement, we would have lost the ability and flexibility to transport someone using the least restrictive and least traumatizing method. I fear that having to have law enforcement transport everyone under this title, would be causing undue trauma to young minds who are already struggling. What kind of message does this send to the youth, and adults, who may find themselves having to be transported by law enforcement when they have committed no crime. This contributes to feelings of disempowerment and of being

stigmatized. And these are both significant factors when talking about youth suicide as well, being disempowered, stigmatized and marginalized.

- Finally, under section 7511 subsection (d) it states, “If a law enforcement officer or mental health professional deems it necessary to use restraints, soft restraints shall be considered as a first option. A law enforcement officer and mental health professional shall have soft restraints available for use...” There are roughly 1400 sworn law enforcement officers in Vermont, and soft restraints are not an inexpensive item, and requiring that all “...law enforcement officers shall have soft restraints available...” could be cost prohibitive and if this committee is so inclined to require that all law enforcement officer have them available then the exact costs of these restraints needs to be looked into and that money needs to be provided to the law enforcement community to comply with this new aspect of the law.

- Thank you.

Respectfully,

Mourning Fox

Director of Mental Health Programs

Department of Public Safety