

A JOINT MEMORIAL

REQUESTING THE INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE AND ITS MEMBER DEPARTMENTS TO STUDY THE NEEDS OF AND AVAILABLE RESOURCES FOR PEOPLE WITH MENTAL HEALTH DISORDERS IN CRISIS SITUATIONS AND TO DEVELOP STRATEGIES TO IMPROVE SERVICES, TREATMENT AND CARE OUTSIDE OF LAW ENFORCEMENT AND DETENTION IN ORDER TO REDUCE THE NUMBER OF PEOPLE WITH MENTAL HEALTH DISORDERS WHO ARE IN DETENTION FACILITIES OR REQUIRE LAW ENFORCEMENT INTERVENTION.

WHEREAS, one of the greatest challenges facing law enforcement agencies and detention centers is how to respond to people who have mental health disorders; and

WHEREAS, law enforcement agencies are the first-line responders to people with mental health disorders who are not receiving necessary treatment and care; and

WHEREAS, current statute permits people with mental health disorders to be taken to detention facilities for protective custody regardless of whether they have committed criminal acts warranting arrest; and

WHEREAS, many people with mental health disorders are held in detention facilities for misdemeanor charges due to a lack of available treatment or community support; and

WHEREAS, the burden for addressing mental health issues in New Mexico communities has been left to counties where

detention centers have become de facto mental health facilities; and

WHEREAS, few detention centers are equipped to deal with this population; and

WHEREAS, individuals with mental health disorders can be traumatized by incarceration; and

WHEREAS, the current situation exposes the state and local governments to substantial liability; and

WHEREAS, individual agencies cannot provide the solution to this problem because it is a systemic problem that requires collaboration and development of strategies among federal, state, county and municipal governments as well as health care providers and advocacy organizations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the interagency behavioral health purchasing collaborative, through the behavioral health planning council, be requested to convene stakeholders to develop humane and effective strategies to serve people with mental health disorders in order to reduce the number of people with mental health disorders that require law enforcement intervention and to reduce the number of people with mental health disorders in detention centers; and

BE IT FURTHER RESOLVED that stakeholders include but not be limited to representatives from the New Mexico association of counties; the New Mexico municipal league; the department

of health; the human services department; the training and recruiting division of the department of public safety; the aging and long-term services department; the corrections department; the administrative office of the district attorneys; the administrative office of the courts; the public defender's office; the sheriffs and police chiefs association; the New Mexico behavioral health institute at Las Vegas; the New Mexico hospital association; disability rights New Mexico; the national alliance on mental illness, New Mexico; and two individuals living with serious mental illness identified by the interagency behavioral health purchasing collaborative; and

BE IT FURTHER RESOLVED that the interagency behavioral health purchasing collaborative be requested to report its findings to the appropriate interim legislative committee by December 1, 2011; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the directors of the New Mexico association of counties, the New Mexico municipal league, the New Mexico behavioral health institute at Las Vegas, the New Mexico hospital association, disability rights New Mexico and the national alliance on mental health, New Mexico; the chief executive officer of the interagency behavioral health purchasing collaborative; and the secretaries of health, human services, public safety, aging and long-term services and

corrections.