



COMMONWEALTH of VIRGINIA

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COMMISSIONER

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October 1, 2023

To: Governor Glenn A. Youngkin
The Honorable Janet Howell, Co-Chair, Senate Finance and Appropriations Committee
The Honorable George Barker, Co-Chair, Senate Finance and Appropriations Committee
The Honorable Barry Knight, Chair, House Appropriations Committee

From: Nelson Smith, Commissioner, Department of Behavioral Health and Developmental Services

RE: Item 312.D.1, Budget Bill HB 1400

Item 312.D.1. of the 2023 Appropriations Act directs DBHDS to provide a report on alternative transportation by October 1 of each year. The language reads:

D.1. Out of this appropriation, \$8,429,216 the first year and \$10,788,632 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to provide alternative transportation for adults and children under a temporary detention order and for a program of alternative custody for individuals under a temporary detention order who are awaiting transport to an inpatient bed. The Department of Behavioral Health and Developmental Services, in consultation with local law enforcement, community services boards, and other stakeholders as appropriate, shall implement a plan to provide alternative custody options for individuals under temporary detention orders to reduce the length of time law enforcement resources are involved and improve patient outcomes. The department may contract with private contractors, enter into agreements with local law enforcement organizations, contract with Community Services Boards, or use other methods as necessary to implement the program. The department shall report to the Governor and Chairmen of the House Appropriations and Senate Finance and Appropriations Committees on the effectiveness and outcomes of the program funding by October 1 of each year.

Please find enclosed the report in accordance with Item 312.D.1 DBHDS staff are available should you wish to discuss this request.

cc: Secretary John Littel



Alternative Transportation Program Annual Report

(Item 312.D.1, Budget Bill HB 1400)

Report on the Alternative Transportation Program Annually

October 1, 2023

DBHDS Vision: A Life of Possibilities for All Virginia

Executive Summary

The Alternative Transportation Program has been operational for four years through a contract that began with G4S Secure Solutions in May of 2019. In October of 2021, G4S was purchased by Allied Universal Security (AUS) who continues to operate the program today. The initial contract period will end in September of 2024 and DBHDS will issue a new Request for Proposals as required by procurement regulations prior to the expiration of the current contract.

While the current service was designed to be a less restrictive alternative to a law enforcement transport and provide trauma informed and recovery-oriented support to individuals experiencing a mental health crisis, it has not realized the initial target capacity to transport 50% of individuals under a Temporary Detention Order (TDO) statewide.

Since the beginning, the alternative transportation program has seen success in limited parts of the Commonwealth, has completed over 6,500 successful transports and traveled over 1.6 million miles. Utilization has been inconsistent across the Commonwealth and there has been an overall decline in the percentage of TDO transports since AUS acquired the contract in fiscal year 2022. The reasons for this decline are multifaceted including staff recruitment and retention challenges, increasing clinical acuity of individuals under a TDO making it unsafe for them to be transported without restraints and systemic challenges resulting in state facility bed shortages and waiting lists.

Preface

Item 312.D.1 Budget Bill HB 1400 requires the Department of Behavioral Health and Developmental Services (DBHDS) to report on the effectiveness and outcomes of the program funding for services that allow transportation for adult and children under a Temporary Detention Order (TDO) on October 1st of each year. The language reads:

D.1. Out of this appropriation, \$8,429,216 the first year and \$10,788,632 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to provide alternative transportation for adults and children under a temporary detention order and for a program of alternative custody for individuals under a temporary detention order who are awaiting transport to an inpatient bed. The Department of Behavioral Health and Developmental Services, in consultation with local law enforcement, community services boards, and other stakeholders as appropriate, shall implement a plan to provide alternative custody options for individuals under temporary detention orders to reduce the length of time law enforcement resources are involved and improve patient outcomes. The department may contract with private contractors, enter into agreements with local law enforcement organizations, contract with Community Services Boards, or use other methods as necessary to implement the program. The department shall report to the Governor and Chairmen of the House Appropriations and Senate Finance and Appropriations Committees on the effectiveness and outcomes of the program funding by October 1 of each year.

Item 312. D.1 Alternative Transportation Program Annual Report

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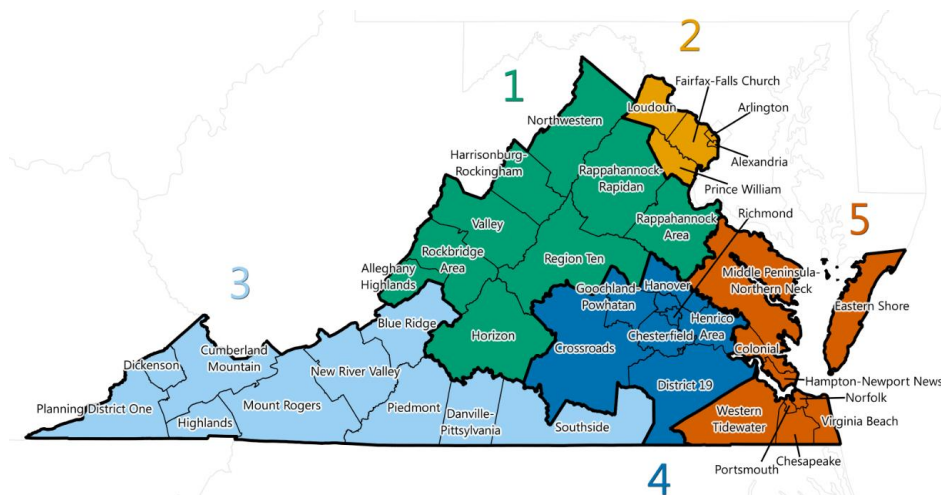
Introduction

This report shows the effectiveness and outcomes of the program funding for services that allow transportation for adult and children under a Temporary Detention Order (TDO).

Regional Implementation

Beginning in May 2019, DBHDS and G4S began a structured, regional rollout of alternative transportation services and the service became available statewide in March of 2021. Region 3 was selected as the first region to begin the service since the original program was piloted in this region and, historically, had the highest number of TDOs. In addition, individuals from Region 3 were being transported the farthest for available inpatient beds. G4S began services to Region 3 on October 7, 2019. The service became available in Region 1 on January 28, 2020. Region 5 began services in August 2020, Region 2 in November 2020 and Region 4 in February 2021.

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State Fiscal Year 2023

The focus during this fiscal year has been on working with Allied Universal Security (AUS) to hire and retain qualified staff and to study response times related to hub locations to be more accessible to all areas of the Commonwealth. This year continued trends of wide variation in utilization depending on CSB catchment area.

Statewide Utilization Trends

DBHDS monitors the trends in utilization in several ways. Comparing the number of civil TDOs issued each month to the number of alternative transportation transports completed by AUS provides a broad overview of how many transports are completed by AUS versus law enforcement.

Statewide Civil TDOs and Percentage Transported by AUS in State Fiscal Year 2023

State Fiscal Year 2023	Region 1 TDOs	Region 2 TDOs	Region 3 TDOs	Region 4 TDOs	Region 5 TDOs	TOTAL TDOs	Allied AT Transports	Percentag of AT Transports
July	385	330	364	310	455	1844	116	6.29%
August	358	311	329	278	436	1712	119	6.95%
September	319	295	335	245	497	1691	108	6.39%
October	332	291	319	254	430	1626	127	7.81%
November	303	327	322	241	415	1608	130	8.08%
December	282	305	309	259	436	1591	110	6.91%
January	339	301	365	277	418	1700	118	6.94%
February	289	315	308	241	410	1563	125	8.00%
March	372	350	335	272	456	1785	125	7.00%
April	345	303	387	276	366	1677	136	8.11%
May	350	326	354	312	417	1759	106	6.03%
June	348	322	343	266	443	1722	109	6.33%
Total	4022	3776	4070	3231	5179	20278	1429	7.05%

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Utilization in this fiscal year remained stagnant over the previous year when viewed from a statewide percentage of TDOs transported via the AT contract. However, when viewed by region, a different picture emerges.

Statewide AT Data	State Fiscal Year 2023	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL	Percentage
Region 1	# Requested	37	31	29	42	31	32	43	27	35	38	27	41	413	68.04%
	# Completed	28	19	21	31	22	21	30	22	23	29	11	24	281	
Region 2	# Requested	24	27	20	26	30	36	33	43	45	34	28	23	375	73.60%
	# Completed	16	21	12	22	25	26	23	32	36	25	19	19	276	
Region 3	# Requested	66	74	74	68	82	72	73	67	84	96	83	71	910	81.43%
	# Completed	50	65	60	59	68	59	59	56	63	77	66	59	741	
Region 4	# Requested	5	5	10	1	7	5	7	7	4	3	5	4	63	41.27%
	# Completed	5	3	3	0	4	1	2	3	1	1	3	0	26	
Region 5	# Requested	20	19	21	19	14	7	6	14	5	5	9	10	149	70.47%
	# Completed	17	11	12	15	11	3	4	12	2	4	7	7	105	
Total	Total Requested	152	156	154	156	164	152	162	158	173	176	152	155	1910	74.82%
	Total Completed	116	119	108	127	130	110	118	125	125	136	106	109	1429	

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Of the 1,429 transports completed during the year, 52 percent were from DBHDS Region 3 in the southwest part of the Commonwealth.

- In Region 3, AUS consistently transported an average of 18 percent of that region's TDOs.
- Region 2 (Northern Virginia) had the second highest average of TDOs transported by AT with 7.29 percent followed by
- Region 1 (Central Virginia) at 7.02 percent.
- Regions 4 (Richmond area) and 5 (Eastern/Coastal Virginia) utilized AT at very low rates. Region 4 used AT for less than one percent of their TDO transports.
- Region 5 utilized AT for just over two percent of their TDO transports.

Because utilization varied so widely, DBHDS staff spent significant time during this fiscal year to assess what factors influenced high and low utilization. Several patterns emerged.

- **Response time:** When a call is placed by the CSB Pre-screener to the AUS Dispatcher, an estimated response time is given. This information is relayed to the magistrate for them to make the determination whether to issue the AT Order or not. Response times over two hours are considered by some magistrates to not meet the "available" criteria outlined in the Code §37.2-810 and, therefore, the AT Order is not issued.
- **AUS Staffing Levels:** AUS had mixed success keeping allowable staffing levels consistent in each hub. Although vacancy rates improved this year over last, high rates of staff turnover remain a barrier. Hourly wage rates to attract qualified drivers needed to be increased to be competitive in the post-COVID market to the extent the budget would allow.
- **Hub Locations and Logistics:** AUS maintains eight hubs throughout the Commonwealth. When drivers are taking a long transport, this prevents that staff from accepting a new referral from the same area in a timely manner. In addition, due to long (six to eight hours one way) transport needs and drive time restrictions, AUS may swap out drivers from one hub to another mid-transport which ties-up the second driver awaiting the originating driver. Meeting an unpredictable demand for transport 24/7 across the entire Commonwealth requires a firehouse model with multiple strategically placed hub locations and a nimble workforce. The current budget limits the number of hub locations and staff available to take transports.
- **Differing regional needs for transport:** Geography, population density and availability of crisis resources and private inpatient beds all impact a locality's need for custody and transport of individuals under a TDO. For some regions, short transports to a facility of detention make it impractical to wait for an AT provider for transport.
- **Patient acuity and aggression:** CSBs report high levels of risk for individuals to engage in self-harm and/or aggression towards others. This acuity previously eliminated the option for an alternative transport since AUS cannot implement restraints in the current program.

Commented [MC(4): Question: Isn't this changing in the new contract?

Commented [WD(5R4): It is but still may be a barrier.

- **Systemic Changes in Statewide Bed Capacity:** The increased demand for state beds overall coupled with forensic admission requests to state facilities in FY 2023 further decreased beds available for civil TDOs. This led to significant waiting lists and often meant individuals under a civil TDO waited for admission beyond the TDO period and became committed upon a bedside hearing prior to the admission. Current appropriations language limits transport to individuals under a TDO.
- **Stakeholder engagement and trust:** Following two years of significant staffing vacancies and being told there was not an AT driver available, many CSBs stopped calling for an AT transport and defaulted to law enforcement for TDO transports. In addition, acuity of individuals under a TDO left CSBs, magistrates, and law enforcement questioning whether a no-restraint transport would be safe.
- **Code and Appropriations Language:** Current Code makes law enforcement the default custody and transport provider for individuals under an ECO or TDO. The use of alternative options for custody and transport is driven by the Code of Virginia §37.2-810. Appropriations language currently limits the use of AT funds to individuals under a TDO and becomes problematic when individuals become committed prior to transport to the facility of detention.
- **Provided financial support to law enforcement agencies maintaining custody of individuals awaiting a state facility bed:** DBHDS invested \$1 million of special funds and entered into contracts with 17 agencies to pay off-duty officers to maintain custody during the TDO period. This program served 280 individuals totaling over 8,000 hours of custody. Of those for whom custody was maintained, 50 percent were held long enough for a private facility bed to be found rather than using a state hospital bed. DBHDS is currently vetting options for Special Conservators of the Peace (SCOPs) and/or security companies to maintain custody. Current Code limits the means for transfer of custody from law enforcement to an alternative provider.
- **Budget:** The nature of the service requires that drivers be ready to transport 24/7 since TDOs are issued around the clock. The current AT budget does not adequately support the level of staffing needed to respond to every corner of the Commonwealth 24/7 nor to support two person transports to eliminate the need for driver swap-outs mid-transport.

New Solutions to Overcome Poor Utilization

To overcome the barriers to increased utilization, DBHDS implemented several new strategies in FY 2023:

- **Modified the current scope of work for the AT Contractor to include the use of restraint to be able to transport all levels of acuity.** This requires training and a higher level of skill for staff and is more costly than the original no-restraint scope of work.

AUS has developed higher level training with Vistelar and DBHDS has designated five CSBs to pilot the service beginning in the Winter of 2023 pending approval of the contract by the Office of the Attorney General.

- **Studied the feasibility of regional approaches to service delivery versus a statewide approach with one vendor.** DBHDS issued a Request for Information (RFI) in the first part of 2023 to solicit responses from any entity willing to provide custody and/or transport services for individuals under a TDO. Three entities responded to the RFI and of those, only two were qualified to deliver the services for high acuity individuals. Only one of the responses indicated a current capacity to deliver the services to a large geographic area and one other was willing to expand as needed. Results indicate that while a regional approach would allow regions to design transport and custody to meet their specific needs, there may be limited providers willing and/or able to deliver the service. The current budget would not allow for enough staff, vehicles, and equipment to be purchased for each region based on resources needed to keep response times low and flexible enough to adapt to times when demand is high. This will continue to be a focus of effort in FY 2024 as the entire crisis system is further developed across the Commonwealth and needs for maintenance of custody and transport change.
- **Developed a new RFP for custody and transport services to be issued in FY2024.** The original contract for AT expires in September of 2024. DBHDS is developing a new scope of work based on lessons learned in the first iteration of AT and will issue a new RFP in January of 2024 to solicit bids for both regional and statewide proposals to provide custody and transport services for individuals under a TDO. This will leave the option to award contracts for either regional or statewide proposals dependent on availability of funds.
- **Assessed budget needs:** DBHDS has done extensive work to determine the true cost of delivering a system of custody and transport services that reduces the burden for law enforcement but has the same capacity to safely maintain custody for individuals in crisis. To ensure adequate resources to transport at least 60 percent of statewide TDOs, DBHDS estimates the cost to be \$20 million.
- **Collaborated with DCJS to survey law enforcement for a landscape analysis of time spent on custody and transport and mileage used during the ECO/TDO process.** This survey is complete and data is currently being analyzed so that a baseline of the current landscape can be developed and used for comparison as the crisis system is developed and new services become operational.

Commented [MC(6)]: OAG has not approved the contract. According to Deputy Williams.

Commented [WD(7R6)]: Certain aspects of the contract that went for review before OAG have been modified per OAG guidance. DBHDS still plans to roll out a modified version of the pilot sometime Winter 2023.

Discharge Transportation from State Facilities Plan for Expansion

During fiscal year 2023, AUS expanded their program of discharge transportation for individuals ready for discharge from Western State Hospital to Catawba Hospital and CCCA. Transport to an individual's residence can be a significant barrier to discharge for some individuals. AUS is currently in the process of expanding the service to the remaining state facilities and plans to be fully operational at all state hospitals by the end of FY 2024. DBHDS is hopeful that this will assist in faster turnover of beds which will allow for increased admissions to state facilities thereby reducing wait times for state beds.

Conclusion

DBHDS recognizes the continued need to build upon the foundation established for a new system of custody and transport for citizens in crisis. Moving individuals from emergency rooms to treatment and from treatment back into the community in a way that promotes recovery and reduces trauma is the primary goal while also reducing the extraordinary burden on law enforcement. Since this process is largely driven by the Code of Virginia, removing law enforcement as the default provider of custody and transport services will require significant stakeholder collaboration, potential changes to the Code, and budget resources.