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COMMISSIONER

October 1, 2024

To: The Honorable L. Louise Lucas, Chair, Senate Finance & Appropriations
Committee
The Honorable Luke E. Torian, Chair, House Appropriations Committee

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

Re: Alternative Transportation Program for Adults Under a Temporary Detention
Order (TDO)

Item 296.E. of the 2024 Special Session I Appropriations Act directs the Department of Behavioral Health and Developmental Services (DBHDS) to report annually on the alternative transportation program for adults and children under a temporary detention order. The language reads:

Out of this appropriation, \$14,522,552 the first year and \$14,522,552 the second year from the general fund shall be provided for alternative transportation for adults and children under a temporary detention order or involuntary commitment order and for a program of alternative custody for individuals under a temporary detention order or involuntary commitment 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 or involuntary commitment 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.

cc: The Honorable Janet V. Kelly, Secretary of Health and Human Resources



Annual Report on Alternative Transportation

Item 296. E. 2024 Special Session

January 15, 2025

Preface

Item 296 E of the 2024 Special Session I Appropriations Act directs the Department of Behavioral Health and Developmental Services (DBHDS) to report annually on the alternative transportation program for adults and children under a temporary detention order. The language reads:

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Item 296 E Alternative Transportation

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Executive Summary

The Alternative Transportation Program has been operational since May of 2019. The initial contract period will end in March 2025.

DBHDS implemented two new programs during this fiscal year to expand the capacity to maintain custody of more highly acute individuals and implement the use of restraint. Allied Universal is conducting one program in a five CSB catchment area in the northern section of the Commonwealth using Vistelar™ de-escalation training and healthcare RIPP™ restraints. Allied is only providing transportation services when the bed at the designated facility of detention becomes available. Steadfast Security is running the second program model in a three CSB catchment area using Special Conservators of the Peace (SCOPs) and standard law enforcement restraints. Steadfast maintains custody prior to transport and provides the transportation when the bed in the designated facility of detention becomes available.

Based on lessons learned in the initial implementation of these services and the success of the two new, smaller-scale programs, DBHDS substantially revised the scope of work for a new statewide contract to include both custody and transport services for individuals under a Temporary Detention Order (TDO). The ability to use funding streams for custody and transport together also created an opportunity to expand the scope of work. A new Request for Proposals (RFP) was issued in May 2024 with proposals due July 25, 2024. This new scope of work will require that contractors have the capacity to provide custody and transport services for individuals of all levels of acuity and implement the use of restraints when needed to maintain safety for the individual and others in the environment where the person is being held for evaluation during the TDO and subsequent commitment period when needed. The new RFP provides the option for DBHDS to award multiple regional contracts or one statewide contract depending on responses received from qualified vendors and available funding.

Governor Youngkin's *Right Help Right Now* mental and behavioral health care transformation includes a pillar focused on reducing the burden on law enforcement during the civil commitment process. This has presented DBHDS with an opportunity to evaluate the current program of alternative transportation and related maintenance of custody concerns and begin designing a new program capable of custody and transport for all levels of acuity. This report summarizes FY 2024 data and break down utilization regionally to explore the differences between regional needs and resources that have impacted utilization. In addition, it explores opportunities for both alternative transportation and custody.

Background

Alternative transportation services were available in all five DBHDS regions in FY 2024. These services have been available statewide to adults and children since March 2021, with over 7,000 transports completed throughout the life of the program. The program has had mixed success and never reached the initial goal of transporting 50 percent of all individuals under a TDO. The highest percentage of statewide TDOs transported was in FY 2022 with 12.84 percent of TDOs transported in August 2021.

To address underutilization, DBHDS spent considerable time with stakeholders to garner feedback, assess barriers and revamp the current program. Two of the most significant issues

impacting under-utilization were (1) the lack of capacity for the program to transport individuals exhibiting aggression, since the initial program prohibited the use of restraints and (2) staff retention. Using this information and data collected over the life of the program, DBHDS is poised to implement a new model for the program that will meet the need for a recovery-oriented and trauma informed means of maintaining custody and providing transport, and it will also be able to seamlessly provide custody and transport for all TDOs without exclusionary criteria based on acuity of symptoms.

FY 2024

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, so that AT is more accessible throughout Virginia. Allied added several new hub locations this year based on assessed needs and available space. These new locations are at Horizon CSB in Lynchburg and Southside CSB in South Hill. This year continued trends of wide variation in utilization depending on CSB catchment area.

DBHDS vetted models for trauma-informed de-escalation and support for individuals experiencing a mental health crisis who may require the use of restraint during custody and transport to prevent harm to themselves or others due to physical aggression or attempts to escape from custody. This resulted in the implementation of two pilot projects both designed to maintain custody and safely transport individuals of all levels of acuity.

Both pilot projects began during FY 2024 and accelerated spending of FY 2024 funds during the fourth quarter. DBHDS requested that \$4.5 million in FY 2024 balances from the Alternative Transport, Facility Discharge Transport, and Alternative Custody programs be carried forward into FY 2025. Permission to use carry forward funds was granted, and these funds are being used to establish initial hospital demonstration sites for the use of Special Conservators of the Peace (SCOPs) to maintain custody of individuals in 3 hospitals with a high volume of ECOs and TDOs awaiting state beds. The ability to use these carry forward funds for the SCOP projects at Valley Health, VCU Hospital and Chesapeake Health allowed DBHDS to extend the current AT contractors while in the process of establishing a new vendor or vendors for transportation services and set up the SCOP projects at the same time during the last two quarters of FY 2025.

With the initial contract period expiring in March 2025, DBHDS developed a new scope of work which combines the custody and transport allocations and issued a Request for Proposals (RFP) to solicit proposals for this combined service. The RFP closed on July 25th and of the 4 proposals received, only two were from companies capable of meeting the requirements of the service. Of these proposals, only one company was able to enter into final negotiations and DBHDS anticipates announcing an award late in January 2025 once the Office of the Attorney General has completed a review of the proposed contract.

Data

Comparing the number of civil TDOs issued each month to the number of AT transports completed by AUS provides a broad overview of how many transports were completed by AUS versus law enforcement in FY 2024 (Table 1, below).

Table 1. Statewide Civil TDOs and Percentage Transported by AUS in FY 2024

2023-2024	Region 1 TDOs	Region 2 TDOs	Region 3 TDOs	Region 4 TDOs	Region 5 TDOs*	TOTAL TDOs	# Allied AT Transports	Percentage of AT Transports
July	349	326	344	311	439	1769	122	6.90%
August	321	312	366	286	467	1752	114	6.51%
September	326	319	352	271	386	1654	103	6.23%
October	326	332	369	278	462	1767	101	5.72%
November	269	304	324	266	368	1531	103	6.73%
December	269	372	325	274	391	1631	85	5.21%
January	337	363	341	309	382	1,732	115	6.64%
February	323	334	340	264	376	1637	108	6.60%
March	327	341	380	313	411	1772	138	7.79%
April	312	355	369	331	454	1821	156	8.57%
May	382	377	376	309	437	1881	172	9.14%
June	350	369	346	276	437	1778	149	8.38%
TOTALS	3891	4104	4232	3488	5010	20725	1466	7.07%

Utilization by Region

Utilization in this fiscal year increased slightly over the previous year with 75 percent of requested transports completed. This increase is due in part to the implementation of a pilot program in a subsection of DBHDS Region 1 with expanded capacity to use restraints and transport individuals with higher levels of risk for aggression and/or escape from custody. From March when the pilot was implemented, Allied increased the percentage of TDOs transported from 6.6 percent in February to 9.14 percent in May of 2024. In the pilot area, Allied was transporting 24 percent of the area’s TDOs after three months of operation. This is reflected in the graphic below which shows utilization by region. The increase in utilization by Region 1 begins in January when the pilot began. Region 3 continued to be the highest overall utilizer of the program. Table 2, below, shows the number of requested versus completed transports by region and month.

Table 2. Requested and Completed Transports by Region and Month

DBHDS Region	FY 2024	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Region 1	# Requested	28	27	34	22	22	11	36	40	83	91	113	90	597
	# Completed	21	18	26	18	16	9	22	28	51	48	76	71	404
Region 2	# Requested	25	24	31	15	30	22	42	27	22	45	34	28	345
	# Completed	20	22	21	15	24	20	33	20	17	40	27	21	280
Region 3	# Requested	77	87	64	73	78	70	61	64	75	67	71	60	847
	# Completed	69	69	54	59	59	49	48	55	60	53	57	48	680
Region 4	# Requested	5	0	2	5	7	9	4	5	12	11	10	5	75
	# Completed	3	0	0	3	1	5	1	4	4	8	9	4	42
Region 5	# Requested	11	7	5	9	3	4	13	2	8	10	3	6	81
	# Completed	9	5	2	6	3	2	11	1	6	7	3	5	60
Total	Requested	146	145	136	124	140	116	156	138	200	224	231	189	1945
	Completed	122	114	103	101	103	85	115	108	138	156	172	149	1466

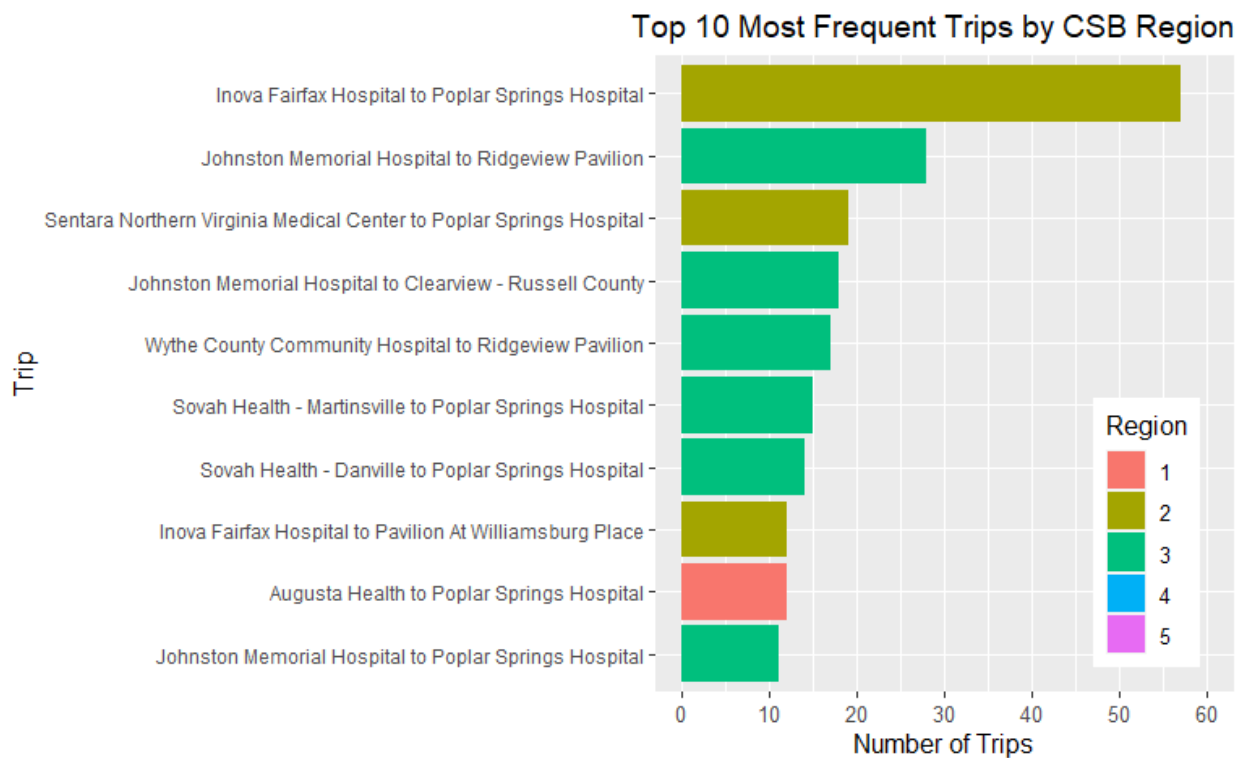
Regional differences in utilization continued to be multifaceted with the following as primary conditions which impacted service delivery and utilization:

Variable demand:

The need for and time spent in transport on any given day varies widely and does not fall into predictable patterns. Ensuring staffing and vehicles are available 24/7 at the right location in a timely manner across Virginia is a logistical challenge. 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.

In FY 2024 alone, there were 385 unique combinations of pickup and drop-off locations; and 237 different combinations of pick-up and drop-off locations that only occurred once. These combinations come from 72 possible pickup sites and 58 different locations for a facility of detention identified by AUS. Figure 1 shows the top ten most frequent trips by CSB.

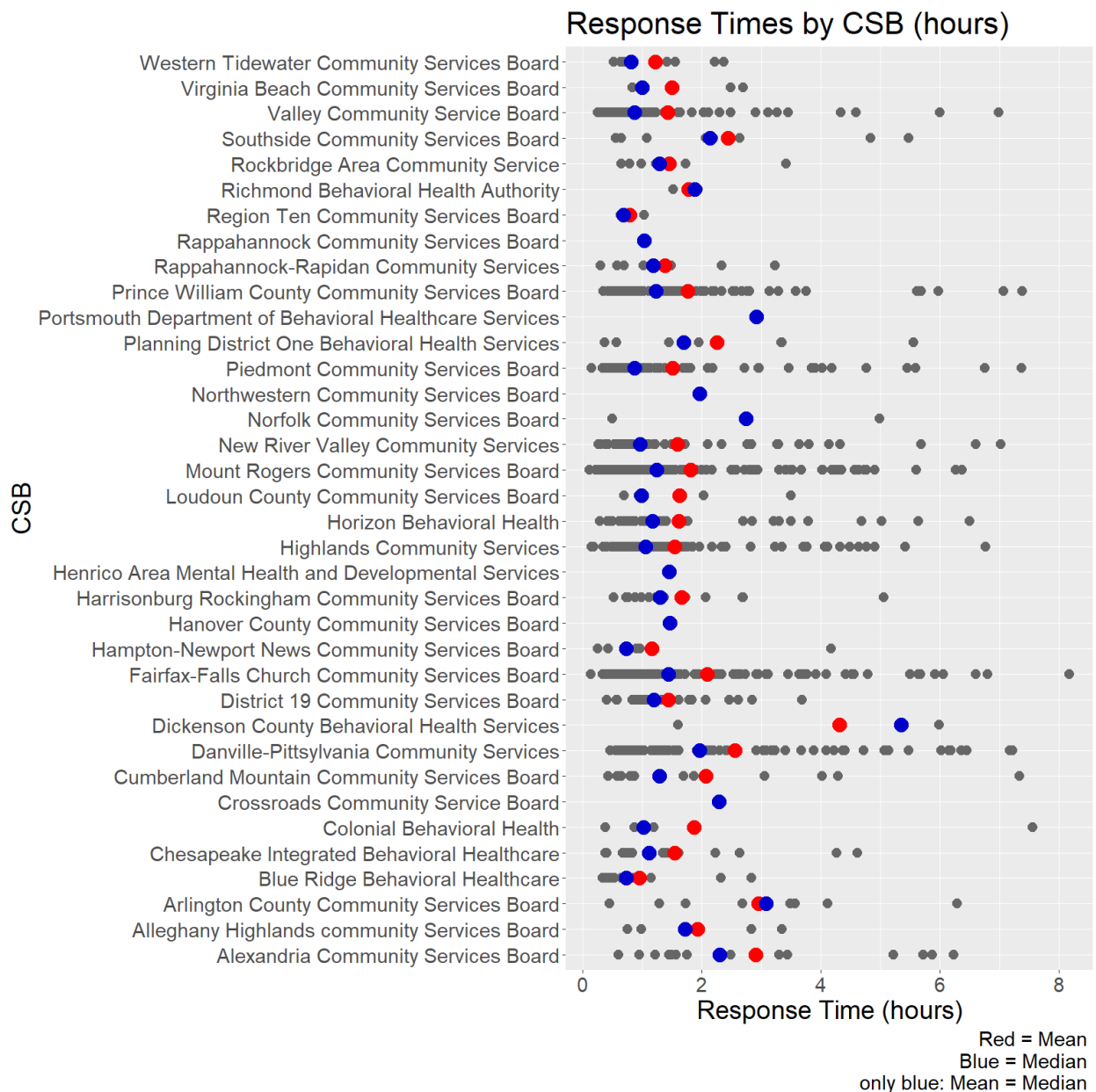
Figure 1.



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 §37.2-810 of the Code of Virginia and, therefore, the AT Order is not issued. This section of Code was changed to define “available” as a six-hour window and took effect in July 2024. It is anticipated that this will assist to increase magistrate approval of AT Orders moving forward. The average response time for successful transports in FY 2024 was under the four-hour mark with current resources. Figure 2, below, shows AT response times by CSB.

Figure 2.



Time and distance traveled per transport:

The distance to the facility of detention and the time it takes to travel there also impacts the number of trips that can be successfully accomplished on any given day based on current resources. Figure 3 shows the average distance of trips by region, while Figure 4 shows the average trip time by region.

Figure 3.

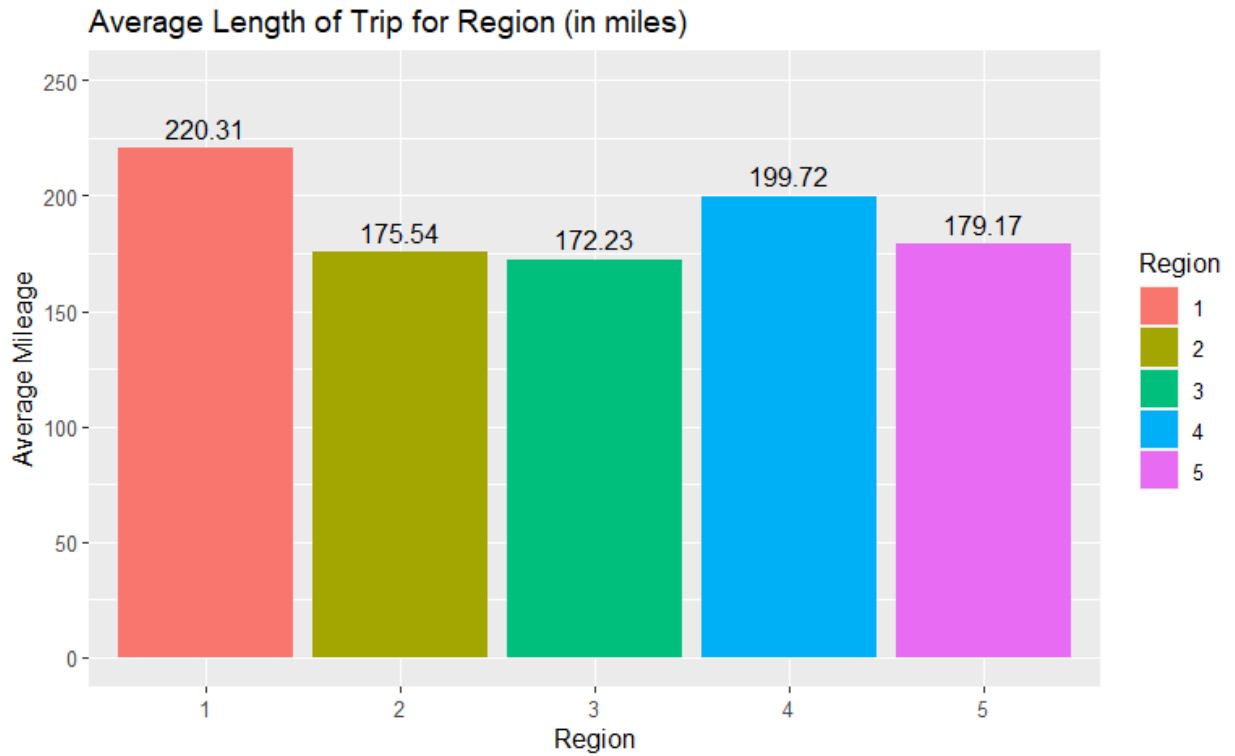
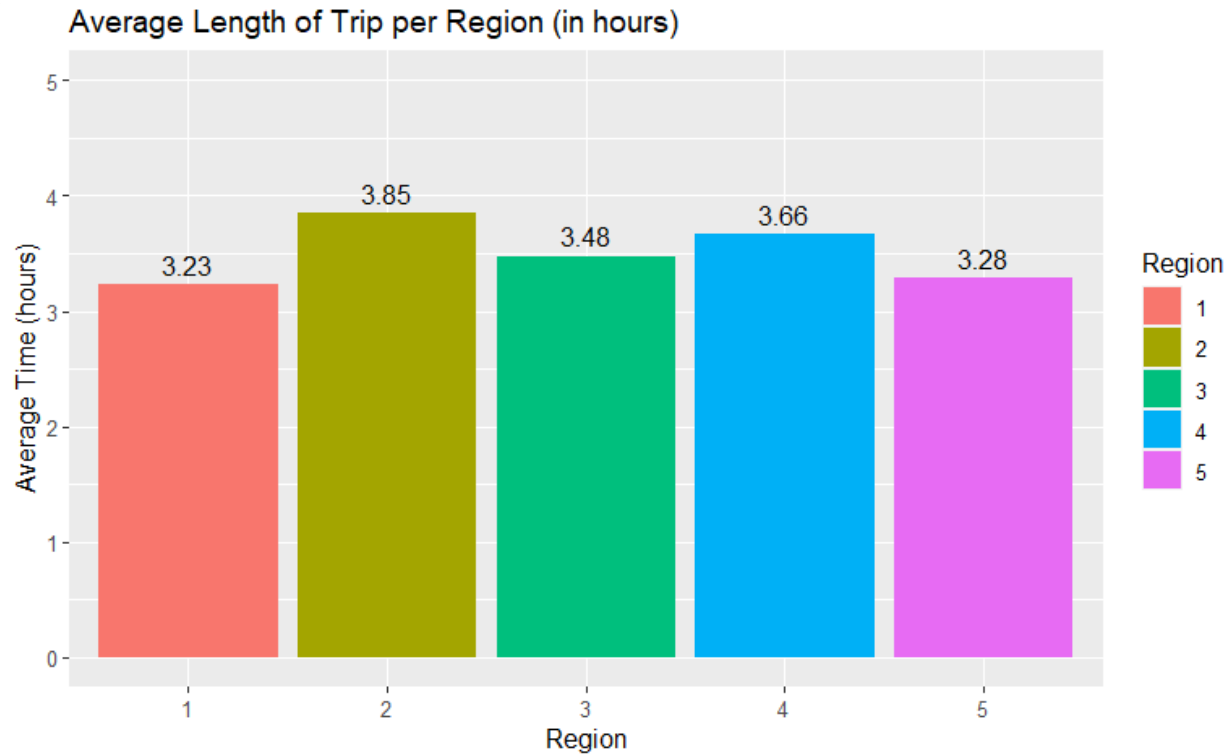


Figure 4



Staffing Levels: Although vacancy rates improved this year, high rates of staff turnover remain a barrier. Hourly wage rates to attract qualified drivers continues to increase year over year.

Project for Combined Custody and Transport

During FY 2024, DBHDS developed a contract with Steadfast Security to implement a program of combined custody and transport for individuals under a TDO awaiting a state facility bed in three CSB jurisdictions in the southwest part of the state (Mount Rogers, New River Valley, and Cumberland Mountain CSBs). This pilot utilized Special Conservators of the Peace (SCOPs) to take custody from law enforcement when a TDO was issued and maintain custody until the state facility bed was available or a private facility bed was found. This project has yielded several positive outcomes:

- At the end of July 2024, Steadfast had completed 134 custody and transport events from April through July.
- This program reduced the number of law enforcement drop-offs at the state facility prior to a bed being available by over 95 percent.
- By maintaining custody for an average of 19 hours prior to transport, over 80 percent of individuals were able to find placement in a private inpatient hospital instead of at a state facility.

Budget: The structure of this combined service requires that custody agents and drivers be ready to maintain around-the-clock custody and transport services. It also requires adequate resources

be dedicated to cover each law enforcement jurisdiction statewide who would otherwise be responsible for providing custody and transportation for each TDO. 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 2:1 staffing for high-acuity custody and long-distance transports. With the new RFP, DBHDS is proposing to implement combined custody and transport services in Regions 1, 3, and 5 which are the regions with the highest need based on number of TDOs issued annually. The Governor has included \$35 million to expand SCOPs and \$3.5 million for alternative transportation costs in his budget amendments to be considered during the 2025 General Assembly Session.

Conclusion

The Governor's Office and DBHDS recognize the continued need to build upon the foundation established for a new system of custody and transport for citizens in crisis. As the Commonwealth is continuing to build out other parts of the crisis continuum of care, ensuring resources for custody and transportation remain a priority. 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. DBHDS anticipates greater progress and growth in the coming year as we change the model of delivery for these services and explore additional partnerships with vendors and stakeholders to improve upon outcomes.