LAW ENFORCEMENT AND MENTAL HEALTH ENCOUNTERS IN ONE VERMONT JURISDICTION

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Executive Summary

Introduction

Criminal justice stakeholders and policymakers are interested in the way people with mental health concerns and/or substance use disorders engage with law enforcement agencies. This examination explores a sample of these interactions to describe individuals' contact with the criminal justice system. A better understanding of these interactions can evaluate the utility of administrative data to inform policies regarding police responses in crisis incidents.

Methods

With data provided by a municipal police department, researchers identified 18 people who had the most arrests from 2018-2022 and at least one incident with a mental health flag in the Valcour system. Criminal histories were obtained and used in conjunction with data from the Vermont judiciary and Department of Corrections to construct a robust description of how these individuals interact with the criminal justice system.

Key Takeaways

On average, individuals in the cohort had 1.39 contacts per day with law enforcement. Most of the calls were related to non-violent matters. The most common type of call involved intoxication followed by trespass.

The cohort's interaction with the police during the study period overwhelmingly did not lead to arrest or further criminal justice contact. Only 177 (7%) incidents recorded an arrest during the study period. Officers used force in just 6% (18) of the incidents.

Half the cohort served 10% of their adult life (from age 18) in a correctional facility.

Limitations

This study is a preliminary exploration of the utility of administrative data in describing how and why people with behavioral health concerns utilize police services in one municipal police department. As such, the results may not be applicable to other agencies and populations in Vermont. The cohort was too small to find patterns in the criminal histories that suggest how a person goes from limited contact in the first two years to a high utilization of services. Missing also is how much contact the cohort had with law enforcement during their lifetime. Additionally, the interaction that individuals with behavioral health concerns have with other law enforcement agencies, social service providers, and hospitals was outside the scope of study.

Recommendations

The study found that the cohort has high contact with and use of police services. Enhancing coordination with social support organizations could alleviate the strain on police resources. Initiatives that embed social workers or coordinate community responses with law enforcement agencies, such as Project Vision in Rutland, Project Alliance in Bennington, and others around the state are an appropriate response to the patterns found in this study.

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Introduction

Vermont policy makers and criminal justice stakeholders are looking to understand the needs of people with mental health concerns and/or substance use disorders who are high utilizers of police services. This case study is an examination of people who had been flagged by a municipal law enforcement agency as having an incident related to mental health and a high number of contacts with that agency. The purpose of this exploration is to begin describing people's contact with this agency, the judiciary, and corrections over a period of time and to evaluate the usefulness of administrative records in describing the cohort's experience.

Case studies are useful to understanding complex issues and for identifying possible entry points for solutions. First, we describe the data reflecting the cohort's interactions with the agency during the study period. The data show that interactions between police and the cohort occupy what some scholars have called the "Grey Zone" of policing. The interactions occupy an area where formal criminal justice involvement is not necessary. [1] Next, we analyze the cohort's criminal histories. From the criminal histories, we can learn where policies might limit police response and still promote healthy and safe environments for people.

Description of the Data

Vermont law enforcement uses the Valcour system for computer aided dispatch and records management. This system has a field for officers or dispatch personnel to check if an incident is related to mental health. The agency in this study does not have a written policy on when that box should be checked. The decision is left to the discretion of dispatch and/or the responding officer. The anecdotal guidance is that the box can be checked when the incident is a result of the mental health need of a person involved. The agency extracted the top 18 individuals who had an incident with a mental health flag and the most arrests during the study period of 2018-2022.

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[1] Wood JD, Watson AC, Fulambarker AJ. The "Gray Zone" of Police Work During Mental Health Encounters: Findings from an Observational Study in Chicago. Police Q. 2017 Mar;20(1):81-105. doi: 10.1177/1098611116658875. Epub 2016 Jul 13. PMID: 28286406; PMCID: PMC5342894.

CRG requested the criminal histories of the individuals in the cohort. Criminal histories, or rap sheets, document fingerprint-supported arrests, criminal charges filed, and dispositions of those charges. The data for a criminal history come from police, the Vermont Judiciary, and the Vermont Department of Corrections. Criminal histories do not contain information that has been expunged or sealed.

CRG also used the Department of Corrections' public use file. This file shows the status of people in the Department of Corrections. The statuses include people held with or without bail, people sentenced to incarceration or probation, people on parole or other furloughs, and people who are being held for other jurisdictions.

These data sources were combined to give a robust description of how these individuals move through, and have contact with, criminal justice agencies. Missing from the analysis is the interaction individuals have with social service agencies, hospitals, and police departments besides the one participating in this research.

Description of the Cohort

The cohort was overwhelmingly White non-Hispanic. There were six women in the cohort. Their ages ranged from 28 to 67, with an average age of 45 in 2018. Two members of the cohort died during the study period.

Results

Police Contacts 2018-2022

The agency provided information on the type of contact the agency had with the cohort member. The 18 people had 2,543 contacts with the agency during the study period. This averaged about 1.39 contacts per day. Figure 1 (on the next page) shows the number of incidents involving cohort members the agency responded to during the study period. The years 2018 through 2019 had the highest number of contacts. The contacts then began to level out from 2020 through 2022.
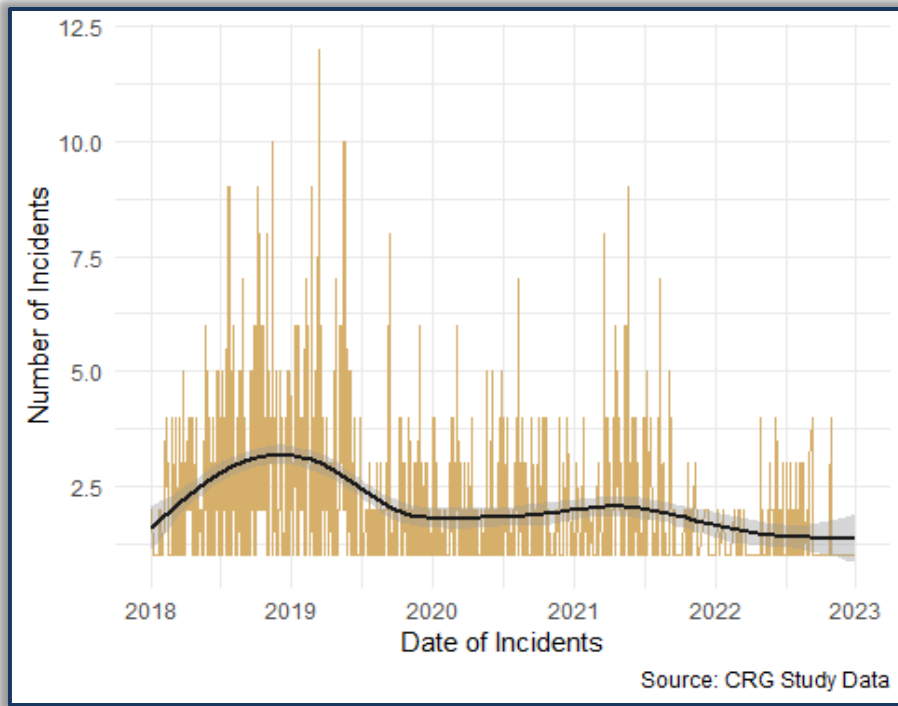
Figure 1. Daily Incidents

Figure 2 shows the number of contacts by day and hour. Contacts were clustered around the late afternoon and evening hours. The jurisdiction is a tourist destination with a dedicated downtown shopping area. There are also state office buildings, a courthouse, and a college. The incident hours represent when the jurisdiction is busiest with people interacting in public.

Figure 2. Number of Contacts by Day and Hour
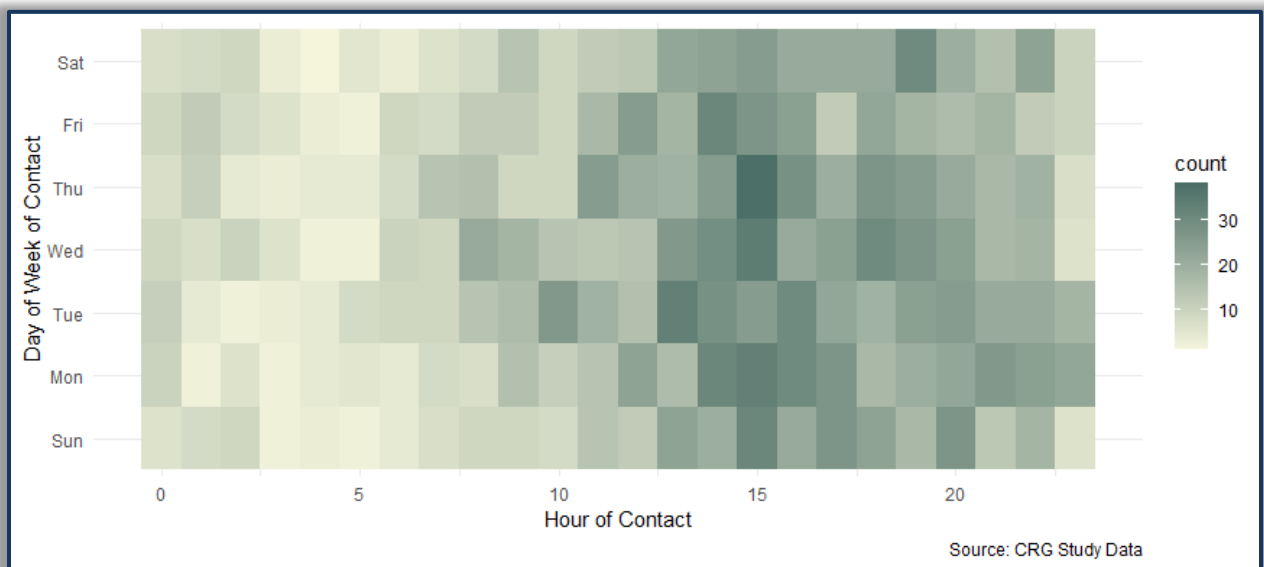
The types of calls the cohort was involved in included crimes, assistance from the police or other agencies, and quality of life issues, such as trespassing or suspicious persons. Figure 3 shows the 10 most frequent call types associated with the cohort. Intoxication was the most common call type, followed by trespass. Assaults, the only violent crime on the list, accounted for 63 incidents. This is 12% of the volume of the intoxication calls for service.

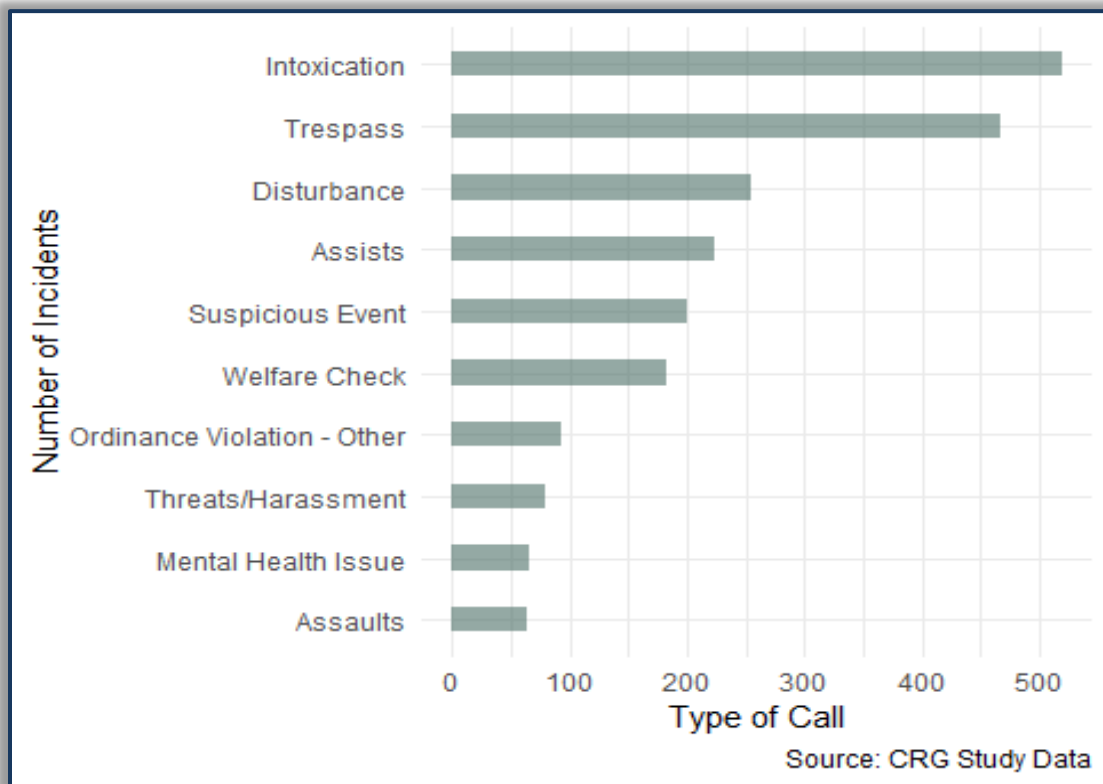**Figure 3. Most Frequent Call Types**

Table 1. Cohort Involvement

Table 1 shows the types of involvement the cohort had with the incident. Person of Interest or Suspect was the most common interaction and accounted for 67% of the calls. The next most common interaction was as the Caller for services. This was 21.35% of all interactions. The agency noted that the default value in Valcour for the field is Caller.

Involvement	n	Percent
Person of Interest/Suspect	1704	67.01%
Caller	543	21.35%
Arrestee	157	6.17%
Other	61	2.40%
Witness/Family Member	41	1.61%
Complainant/Victim	35	1.38%
Missing	2	0.08%
Source: CRG Study Data		

Table 2. Number and Types of Arrests

Type of Arrest	n	Percent
Citation	107	60.45%
Lodged	30	16.94%
Referred to Alt. Justice	12	6.77%
Warrant	28	15.81%
Total	177	100%

Table 2 shows the number of arrests and types of arrest recorded in the fields labeled arrest. This field recorded 177 arrests. This includes some of the 157 people where the call type was arrest and additional people from the other call types listed in Table 1. The most common form of arrest was by citation. Cohort members were lodged in a correctional facility 17% of the time and arrested on a warrant 15% of the time. Cohort members were referred to alternative justice 6.7% of the time.

Arrests for trespass were the most common charge a cohort member was arrested for. The other crimes category included motor vehicle offenses, receiving stolen property, and lewd and lascivious behavior. Assaults, including domestic assaults, was the only violent crime cohort members were arrested for.

Figure 4. Most Common Charge

Source: CRG Study Data
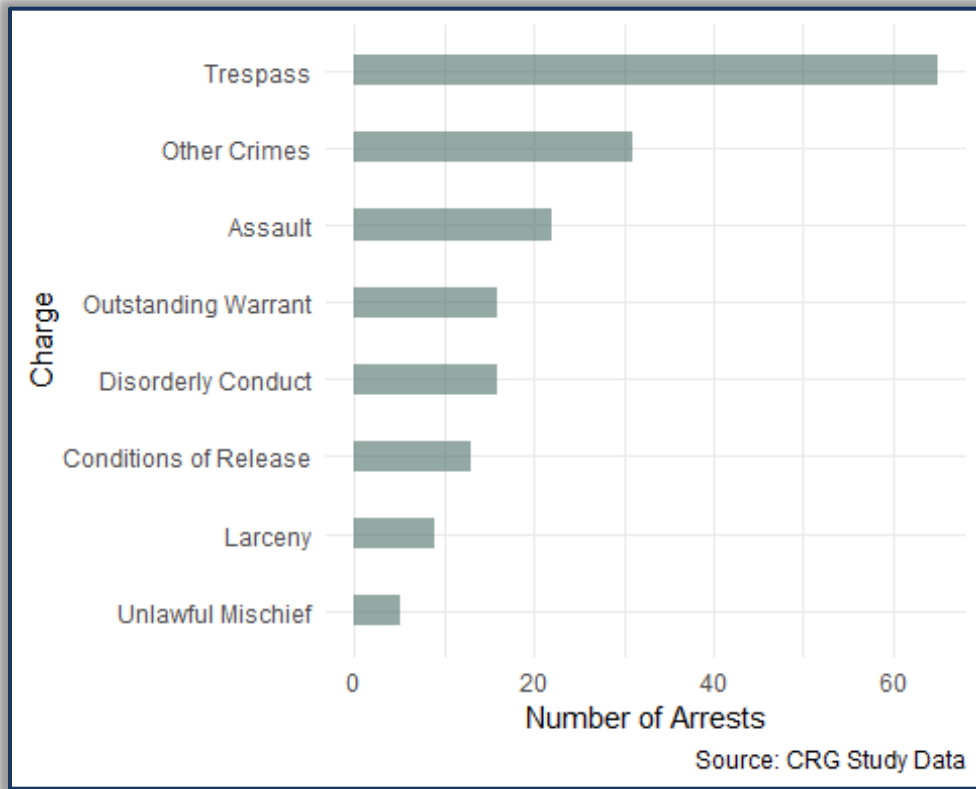
Only 18 (6%) of the 2,525 incidents involved officer use of force against the cohort member. Four members of the cohort experienced all of the 18 uses of force. Two had five incidents in the study period, and two had four. Incidents involving use of force in the agency as a whole hover around 1% of all incidents. The agency does not break out use of force data by type of incident (e.g., X% of calls for intoxication involve use of force). Therefore, it is hard to compare the use of force against the cohort compared to a general population use of force. What the data do show is that it is a rare occurrence for this cohort and that a majority of people in the cohort did not experience use of force by the police.

Police Contact and Periods of Incarceration

CRG tracked the cohort into the DOC public use file, to see when the people were incarcerated during the study period. Incarceration included pre-trial detention, sentences served, parole/furlough violations, and federal holds. Three members of the cohort were not incarcerated

during the study period. Figure 5 shows each cohort member on their own line and marks the dates when a person either had contact with the agency or was incarcerated.

Some people in the cohort have almost continuous contact with the either the agency or periods of incarceration. Others have long gaps in contact. Cohort members 15 and 10, for example, have long breaks from contact. They could be in another jurisdiction and appearing in that police department's contacts. They could also be receiving treatment or finding stability in their lives. These gaps should be explored further. To do so, researchers would need access to other agencies' data, out of state criminal histories, employment data, and data on other social determinants of police contact. The best source of this information would be the cohort members themselves. A qualitative analysis, including a life history calendar, would be helpful in understanding their experiences.

Figure 5. Police Contacts and Incarceration Dates
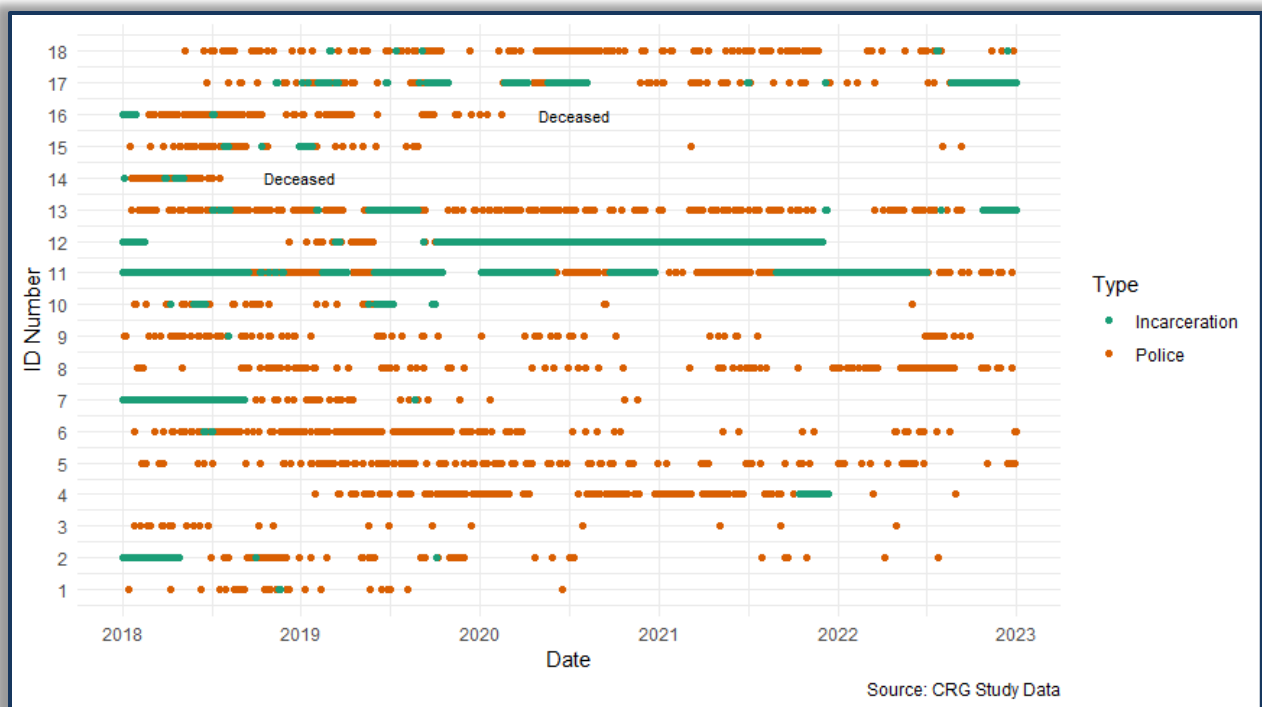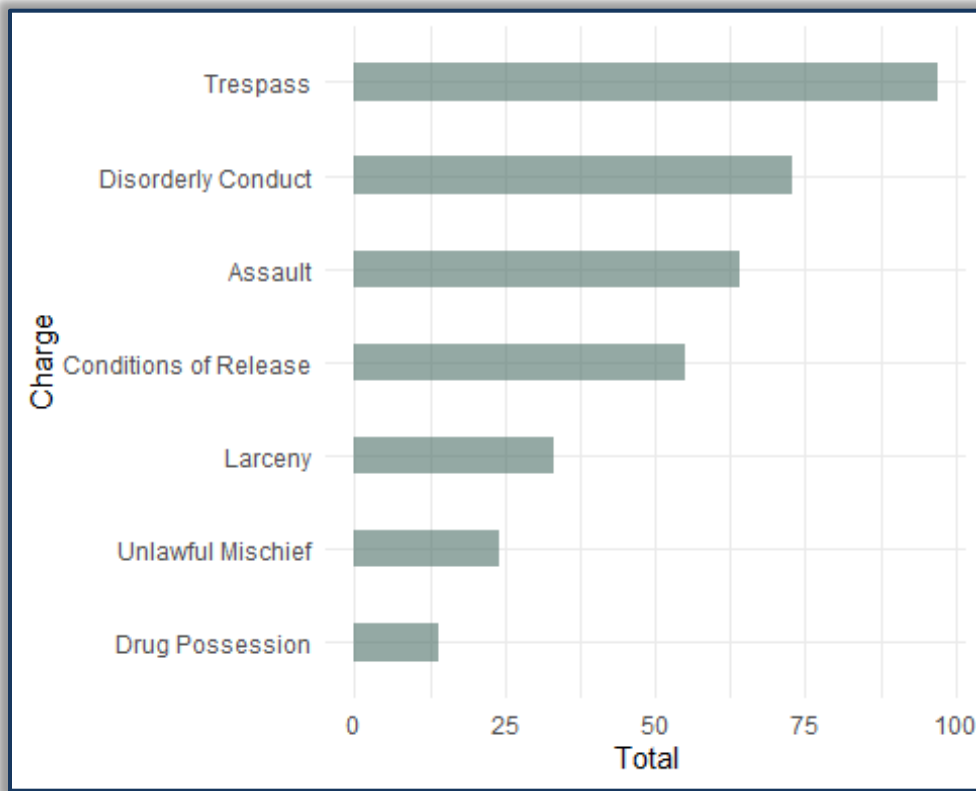
Criminal Histories

CRG obtained the Vermont criminal histories of the cohort members to better understand their involvement in the criminal justice system in Vermont. Missing from this analysis are any out-of-state criminal histories a person may have.

The average age of a cohort member at their first arraignment in Vermont was 24.5 years of age. The range was 16 to 48 years, and the standard deviation was 9.45 years. The longest criminal history spanned 40 years, and the shortest was 7 years. The cohort was arraigned on an average of 81 cases, with the range being 2 cases to 157 cases during their lifetime. The cohort member with two Vermont cases had a period of seven years between the first disposition date and the second.

Figure 5 shows the most common crime types the cohort was convicted of. The cohort was convicted of 471 crimes. Ninety-one percent of the convictions were for misdemeanor offenses. The most common charge type people were convicted of was trespass. Criminal trespass includes being in places after being told to leave by the owner or entering a residence knowing that one doesn't belong in the house. Only one of the convictions for trespass was for entering in someone's house. The remaining were trespasses of land (e.g., outside a store) or a building that isn't a home.

Fourteen members of the cohort had at least one conviction for an assault (e.g., assault, domestic assault, or sexual assault). One cohort member had 14 convictions for an assault offense and they accounted for 21% of all assault convictions. The remaining 13 members had an average of 3.84 convictions.

Figure 6. Most Common Crime Types

Criminal histories contain information on sentencing. Vermont imposes four types of sentences: fines, probation, split sentences (some portion of time served in jail and some on probation), and straight incarceration sentences. Throughout the years, Vermont has explored alternatives to incarceration called pre-approved furlough. These alternatives included residential treatment for domestic abusers, treatment for DUI offenders, and work crew. All of these alternatives show up as a sentence to incarceration in the data. When a person is held pre-trial and is then sentenced to time served, that is also recorded as a sentence to incarceration. These issues may increase the amount of sentences to incarceration a person actually received.

All cohort members had at least one sentence for incarceration (straight or split) during their lifetime. The range of number of cases sentenced to incarceration was 2 to 147. Figure 7 shows the distribution of the cohort and the total number of sentences to incarceration they received in their lifetime. Half of the cohort had 50 or fewer sentences to incarceration.

If the cohort members served all of their minimum sentence inside a correctional facility, then they served anywhere from a few days to 15 years during their lifetime. Half the cohort served 10% of their adult life (from age 18) in a correctional facility.

Figure 7. Number of Carceral Sentences by Number of Cohort Members
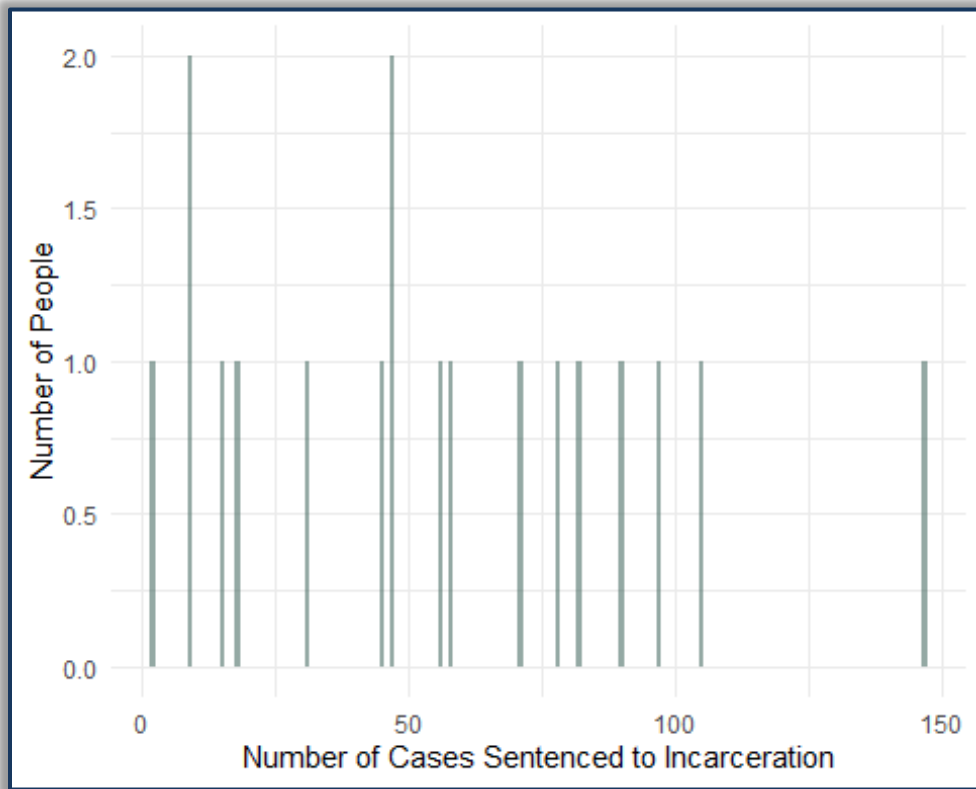
Criminal History Analysis

Figure 8 maps the first two years of the cohort's Vermont criminal history. CRG used the criminal histories to look at how much criminal justice involvement a person had each month. CRG calculated whether the person had an open criminal case, was incarcerated, was on probation, or any combination of those statuses. A person was free (green) if during that month they had no formal contact with the system. By the end of the second year, all but two cohort members were free of criminal justice oversight.

Figure 8. Sequence Distribution over the First 24 Months

Figure 9 (on the next page) shows the percentage of the cohort in a particular state during the first two years. Half of the cohort had no contact with the criminal justice system by the 5th month of their criminal history.

Figure 9. Relative Sequence of Distribution Over the First 24 Months
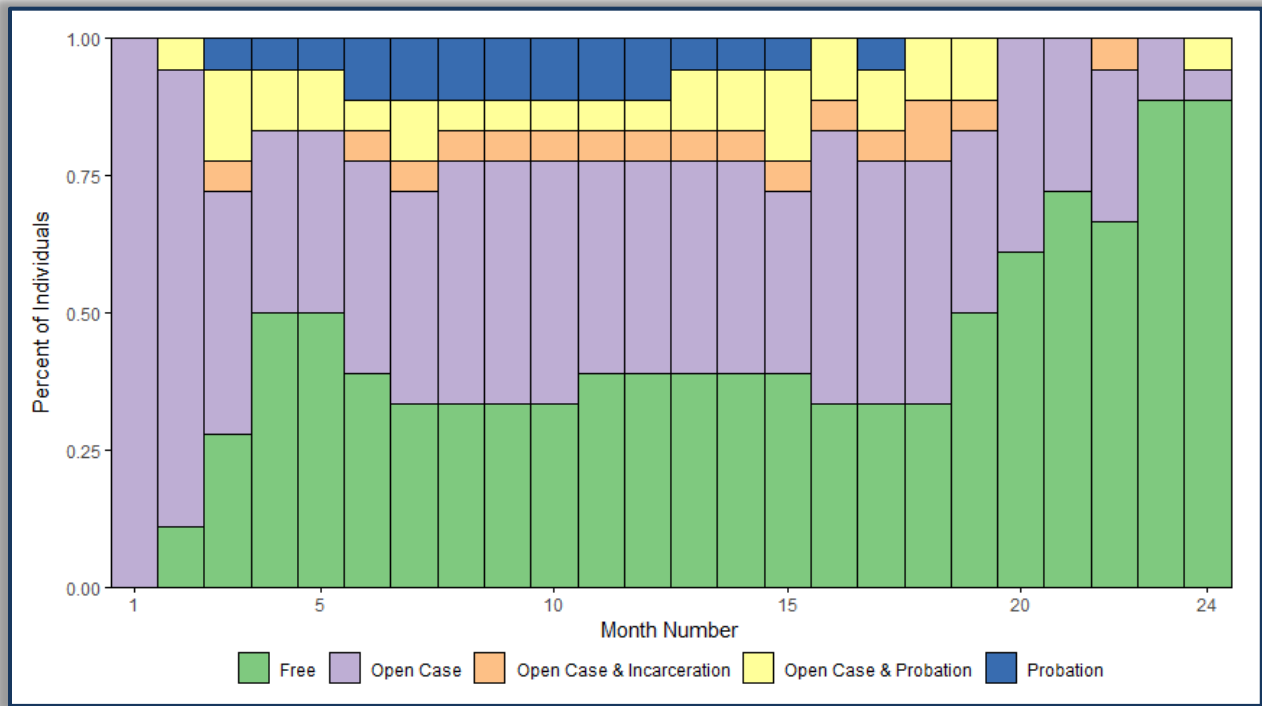
Discussion

The cohort's interaction with the police during the study period overwhelmingly did not lead to arrest and further criminal justice contact. Only 177 (7%) incidents during the study period recorded an arrest. When cohort members were arrested, it was largely for public order crimes such as trespass and disturbing the peace.

The cohort was too small to find patterns in the criminal histories that suggest how a person goes from limited contact in the first two years to a high utilization of services. Missing also is how much contact the cohort had with law enforcement during their lifetime. During the study period, the most common interaction the cohort had with law enforcement was as a person of interest and not as an arrested person, which would trigger the criminal history.

The study cohort had more contact and higher use of police services than with the judicial process, underscoring the reliance on law enforcement resources to address their needs. Enhancing coordination with social support organizations could alleviate the strain on police resources. Embedded social workers (the agency uses embedded social workers, but their

involvement in incidents is poorly documented) or coordinated community responses, such as Project Vision in Rutland, Project Alliance in Bennington, and others around the state are an appropriate response to the patterns seen here.