

Mayor and Council Communication

DATE: 02/28/23

M&C FILE NUMBER: M&C 23-0174

LOG NAME: 35POLICE MENTAL HEALTH WELLNESS AND RESILIENCY PROGRAM

SUBJECT

(ALL) Adopt Resolution Creating a New Program within the Police Department to Utilize Asset Forfeiture Funds, in the Amount of \$50,000.00, Appropriated by M&C 23-0039 for the Purposes of Law Enforcement Mental Health and Wellness

RECOMMENDATION:

1. It is recommended that the City Council adopt the attached Resolution for Law Enforcement Mental Health and Wellness Program to utilize Asset Forfeiture funds appropriated by M&C 23-0039 for the purpose of referral incentives to law enforcement employees for certain mental wellness/psychological services.

DISCUSSION:

In February of 2022, Fort Worth City Council approved the initial use of Asset Forfeiture funds for certain law enforcement expenses within the Fort Worth Police Department (M&C 22-0092). Following the allocation of funds in FY2022, FWPD coordinated a review of the pilot program with City Attorney's Office and Human Resources Department to ensure all legal and policy obligations were met. On January 10, 2023, the Fort Worth City Council approved the use of asset forfeiture funds for law enforcement expenses related to the mental health, wellness, and resiliency within the Fort Worth Police Department (M&C 23-0039).

This mental wellness incentive program will provide the law enforcement employee with an additional payout for successful referral and completion of the mental health and wellness program. These programs generally work with medical insurance; however, one visit might still result in \$2,000-\$5,000 of added expense. The assistance provided by this program is intended to offset these expenses for employees who meet all criteria and are approved by a 3-person oversight panel of mental health trained officers.

To ensure compliance in utilizing these funds, we recommend the following policy stipulations be put in place:

1. The law enforcement employee seeks treatment for mental health or substance abuse treatment that has been necessitated by an on-duty incident(s), or the law enforcement employee has been involuntarily detained by, or at the direction of, a member of Crisis Intervention Team;
2. The law enforcement employee pays out-of-pocket costs (costs in excess of insurance coverage) to a treatment facility or licensed medical professional;
3. The law enforcement employee signs a release of information that provides documentation and updates similar to Resources for Living ("EAP") (i.e. attendance, compliance, and any follow-up recommendations);
4. The law enforcement employee acts in accordance with any and all treatment guidelines issued by the treatment facility or licensed medical professional in relation to the treatment sought under subsection (1); and
5. The law enforcement employee is determined fit to return to duty.

Each program will pay the following:

1. Psychiatric In-patient Crisis Care – up to \$150/day
2. Substance Abuse In-patient Care – up to \$120/day
3. Partial Hospitalization Program (PHP) – up to \$100/day
4. Intensive Out Program (IOP) – up to \$50/day

Funding for this program is limited based on the amount allotted by City Council and the Department to conduct this pilot project. As funds are depleted, FWPD will assess the findings of the project and seek a more permanent funding source if the program is to continue. Employees can only receive this incentive twice and no more than \$5,000 total will be paid to any single employee. Funding from this program may also be utilized for mental health, wellness, and resiliency training or mental wellness "check-in" for high-stress and high-exposure units. Payments made under this program will not be deemed to be part of the law enforcement employee's base salary under TLGC 143.041(b).

This M&C is required in order to satisfy requirements in the Texas Code of Criminal Procedure regarding the use of proceeds under Chapter 59 for the purposes of "increase(ing) a salary, expense, or allowance for an employee of the law enforcement agency." (Article 59.06(d-1)(7)).

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the recommendation, funds are available in the current operating budget, as previously appropriated, in the State Asset Forfeiture Fund. Prior to an expenditure being incurred, the Police Department has the responsibility to validate the availability of funds.

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