

# Exchange of Email About Freedom of Information Act (FOIA) Request Regarding Substance Abuse & Mental Health Services Administration (SAMHSA) Grant

2016 Funding Opportunity Announcement

Application Due: 6/16/2016 FOA: SM-16-011 Announcement:

<https://www.samhsa.gov/grants/grant-announcements/sm-16-011>

Awardees: <https://www.samhsa.gov/grants/awards/2016/SM-16-011>

by David W. Oaks  
davidwoaks@gmail.com

*Updated 8 May 2021*

In 2016, the US agency SAMHSA awarded several million dollars to 15 sites to support what they term “Assisted Outpatient Treatment” (AOT), which is more accurately called Involuntary Outpatient Commitment (IOC). In November of 2019, I contacted SAMHSA and requested evaluation information about this grant, SM-16-011.

SAMHSA has never provided me any evaluation information. I even filed a Freedom of Information Act request (FOIA). I made it clear that part of what I was asking for should be “off the shelf” evaluation for this multi-million dollar grant. Congress required that there be annual reporting about evaluation during this grant. SAMHSA has provided me with *nothing*, zero, nada, zilch, zip. (Since that time, SAMHSA has awarded a similar grant in 2020, SM-20-006.)

Below is my exchange of email with SAMHSA, from my most recent email to the first at the bottom.

Mar 24, 2021, 7:26 AM

From: [foia@samhsa.gov](mailto:foia@samhsa.gov)  
To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Good morning

I will check on the status and get back with you today.

Thanks

Tuwanna

Mar 23, 2021, 3:38 PM  
From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)  
To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

To:  
Tanisha Thorpe  
Branch Chief | Executive Correspondence and Support Branch  
Office of Intergovernmental and External Affairs  
Substance Abuse and Mental Health Services Administration

From:  
David W. Oaks  
Aciu! Institute

Subject: Non-Response from SAMHSA after more than one year of requests.

Despite more than one year of requests, multiple times, rely on FOIA laws and regulations, I have received absolutely no information at all about my reasonable request about the following:

2016 FOA: SM-16-011

Please see and distribute my blog about this situation here:

<https://www.madinamerica.com/2021/03/remember-ivory/>

Please note in my blog I have a link to my attempts for more than one year to obtain information from SAMHSA about this grant and its effectiveness:

<https://aci.uinfo/wp-content/uploads/2021/01/samhsa-foia-request-exchange.pdf>

As our email exchange shows, in January you responded:

"Please accept this as acknowledgement of your emails on 12/22 and 1/4. Siobhan Dugan is no longer with SAMHSA. However, the agency is still working to process your FOIA request and will respond accordingly once completed."

It is now more than three months after I last emailed to SAMHSA via Siobhan Dugan, who I understand no longer works for SAMHSA. However, I have still not received any information at all about the grant results.

Please reply as soon as possible.

Sincerely,  
David W. Oaks

Jan 11, 2021, 9:14 AM  
From: [foia@samhsa.gov](mailto:foia@samhsa.gov)  
To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Good afternoon, Mr. Oaks:

You may list me as your point of contact. However, please continue to forward your emails to the SAMHSA FOIA email address.

Thank you,

Tanisha Thorpe

Jan 10, 2021, 1:53 PM

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Dear Tanisha Thorpe,

Thanks for your response. Since Siobhan no longer works at SAMHSA, is my new FOIA contact you? If not, who?

I look forward to receiving information about outcomes from that 2016 grant from SAMHSA.

Sincerely,

David

David W. Oaks

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Jan 5, 2021, 7:18 AM

From: [foia@samhsa.gov](mailto:foia@samhsa.gov)

To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Good morning, Mr. Oaks:

Please accept this as acknowledgement of your emails on 12/22 and 1/4. Siobhan Dugan is no longer with SAMHSA. However, the agency is still working to process your FOIA request and will respond accordingly once completed.

Thank you,

Tanisha Thorpe  
Branch Chief | Executive Correspondence and Support Branch  
Office of Intergovernmental and External Affairs  
Substance Abuse and Mental Health Services Administration

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Jan 4, 11:03 AM

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Dear Siobhan Dugan, FOIA Office:

As you recall, I have been requesting information about a 2016 grant by SAMHSA. I have been exchanging messages with SAMHSA about this for more than a year.

I hope you have had happy holidays, we have.

Important question: Did you receive my email I sent to you on 22 December 2020?

David  
David W. Oaks  
458-205-9426

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Dec 22, 2020 2:43 pm

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Dear Siobhan Dugan, FOIA Officer:

For more than a year, I have requested that SAMHSA send me evaluation information about the grant SM-16-011, which was awarded in 2016.

Despite multiple requests, including just for legally-mandated “off the shelf” evaluations that should already have been done, I have received absolutely nothing. On 2 December, you contacted me to say that “I’ve gotten some documents in response to your request and am reviewing them. Sorry for the delay.”

I have not received anything. Please correct any errors or omissions in what I say above. Isn’t this correct?

Attached, please find a record of our correspondence, from the most recent to my original note more than one year ago. Also attached, please find a spreadsheet of both the 2016 grant (SM-16-011) and 2020 grant (SM-20-006).

Sincerely,  
David  
David W. Oaks  
Eugene, Oregon

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Dec 8, 2020, 4:41 PM  
From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)  
To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Dear Siobhan Dugan, FOIA Officer:

I have received nothing about SAMHSA evaluation of the outcomes from this 2016 grant, even though Congress required annual evaluations. The first part of my FOIA, simply asked for off-the-shelf evaluations that should have already been done. This required no work.

Below is a copy of a message that I have just sent to President-elect Joe Biden, who the disability movement has been reaching for some time:

To President-elect Joe Biden:

Congratulations about appointing Xavier Becerra to lead Health & Human Services!

This is my 44th year as a community organizer in disability rights. Please forward this message to Mr. Becerra:

I am extremely concerned about mental health agencies under HHS, especially SAMHSA and NIMH.

Both of these agencies continue to support and fund old-fashioned, discredited approaches to mental health, including over-reliance on coercion, the medical model, and the pharmaceutical industry.

Please appoint new leadership for SAMHSA and NIMH. Please support emerging principles in mental health: recovery, peer support, alternatives, human rights, empowerment.

For example, in 2016 and 2020, SAMSHA gave about \$25 million to several dozen sites that supported court-ordered mental health treatment over outpatient clients' wishes. This made their homes into institutions. They often receive coerced psychiatric drugging that is questionable and can cause brain damage, even death.

There are better, more humane ways to help Americans with severe mental and emotional problems.



For more than a year, I have requested SAMSHA evaluation of their first round of grants in 2016 for what they call Assisted Outpatient Treatment, but which should be more accurately called Involuntary Outpatient Commitment.

For more than a year, SAMSHA has not provided me with any information evaluating their first round of grants for this approach, four years ago. I even filed a FOIA but heard nothing. Of course, the law required regular evaluations, every year, but there has been nothing, zero, nada.

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Dec 2, 2020, 12:07 PM

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Thanks for this quick & positive response. I look forward to receiving the basic information as soon as possible.

Please note that the correct spelling for my last name does not have an 'e':  
Oaks

This is minor, except that it is part of my gmail email address, so I would like you to note it.

Also, among the materials you provide to me, please be sure to include the following, which is mandated by law:

The Protection of Medicare Act mandated an evaluation including annual reports to Congress on specific outcomes. You can find this in Section 224 on page 1083 in the following:

<https://www.congress.gov/113/plaws/publ93/PLAW-113publ93.pdf>

Sincerely,  
David  
David W. Oaks

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Dec 2, 2020, 8:13 AM  
From: [foia@samhsa.gov](mailto:foia@samhsa.gov)  
To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Hi, Mr. Oakes,

I've gotten so documents in response to your request and am reviewing them. Sorry for the delay.

Siobhan Dugan  
FOIA Officer  
Substance Abuse and Mental Health Services Administration

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Dec 1, 1:50 PM  
From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)  
To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Dear Siobhan Dugan, FOIA Officer:

As you recall, we have exchanged emails about an FOIA request I made more than one year ago. (Regarding FOA SM-16-011.)

Attached is a PDF with the exchanges of email.

Please note especially what I wrote on 8 September 2020, which is on page 9:

Please email to me relevant current information that you already have compiled about evaluating these programs. This is off-the-shelf material that should be available since millions of dollars were spent on these programs. Please email to me about the effectiveness of these programs. (If this evaluation omits race, so be it, that omission itself would be helpful to know about.)

This should not take any time at all. Is there absolutely no information available about the evaluation of these 2016 grants?

This year, the same AOT grant program has been repeated (FOA SM-20-006). I have written to this program officer. For the 2016 grant to be replicated, there must be some kind of evaluation of the 2016 grant. Are you saying this is not available?

Sincerely,  
David W. Oaks

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Sep 9, 2020, 6:31 AM  
From: [foia@samhsa.gov](mailto:foia@samhsa.gov)  
To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Hi, Mr. Oaks,

I don't have any control over when or whether I receive information that you request, but I'll do what I can to get it to you.

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Sep 8, 2020, 11:11 AM  
To: [foia@samhsa.gov](mailto:foia@samhsa.gov)  
From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Thanks. Let me be very precise so that there are no more delays. This is very urgent to me, and as I noted, it will soon be almost a year since I have made an inquiry:

**1. Please email to me relevant current information that you already have compiled about evaluating these programs. This is off-the-shelf material that should be available since millions of dollars were spent on these programs. Please email to me about the effectiveness of these programs. (If this evaluation omits race, so be it, that omission itself would be helpful to know about.)**

2. Yes, please inquire with the programs to gather more information. But please do not allow this research to delay number 1 above. (Let me repeat, it is very urgent that I receive number 1 above. Surely you have some kind of evaluation! Please do not delay.) In terms of gathering more information, yes, I would certainly like to know the race of the individuals in the programs, as well as their approximate age, outcomes, whether they were required to take psych drugs, costs, and mortality. Of course, I am not requesting any private information about any individual.

I hope the above explains. Please, no more delays.

Thanks,  
David  
David W. Oaks

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Sep 8, 2020, 6:08 AM  
To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)  
From: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Hi, Mr. Oaks,

These are new questions. You hadn't asked for a breakdown of patients by race. Also, "things like that" is not a definite question. If you want other information, please be specific about what you are looking for.

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Sep 4, 2020, 8:10 AM

To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Thanks for replying so quickly. In your defense, there may have been some confusion. You asked about whether to inquire with each program.

Let me make this very easy:

We can separate this request into two parts:

1. What current materials does SAMSHA have evaluating the effectiveness of these programs? This material must be on your shelves now because millions and millions of taxpayer dollars were funded so there must be some kind of evaluation, without violating privacy. For example, what percentage of people were black? How many people experienced these programs? What percent were on psych drugs? Things like that, that SAMSHA must know.

2. Yes, separately from that, it would be great if you could inquire with each of these programs, which I understand could take awhile.

Can you please send me the first part as soon as possible?

I am writing about this.

David

David W. Oaks

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Sep 4, 2020, 7:01 AM

To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

From: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Hi, Mr. Oaks,

I'm sorry for this delay in responding to your request. I just alerted the offices involved and will keep you posted as to when I receive documents.

All the best,  
Siobhan Dugan

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Sep 3, 2020, 2:50 PM

To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Dear SAMHSA FOIA folks,

This Fall, in November, it will be one year since I made my FOIA request to you.

I have heard nothing back. Please, this information is extremely important.

Thanks,  
David

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Dec 19, 2019, 7:40 AM

To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

From: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Hi, Mr. Oaks,

I've received your FOIA request and forwarded to the appropriate offices asking for the documents you're interested in. I'll let you know if I have questions.

Siobhan Dugan  
FOIA Officer

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Dec 17, 2019, 11:20 AM

To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Dear Siobhan,

Last month, I made a FOIA request.

We seem to keep missing each other by phone.

Let us keep trying each other, and we will double our chances.

Please now use my consulting phone number: 541-914-1469

We can also set up a day and time to chat, just allow me a day or two to check my calendar.

Or we can keep trying our luck here.

Call any time. If I am in a meeting, it will go to voicemail.

Let us keep trying! This is important and timely.

Thanks much, happy holidays.

David  
David W. Oaks

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To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

From: [foia@samhsa.gov](mailto:foia@samhsa.gov)

Dec 2, 2019, 9:54 AM

Thanks for the clarification. I've asked the appropriate offices to provide documents and will provide them as they are made available.

Siobhan Dugan  
FOIA Officer

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To: [foia@samhsa.gov](mailto:foia@samhsa.gov)  
From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)  
Nov 26, 2019, 12:44 PM

Thanks. From our perspective, what is called "AOT" should more accurately be called "Involuntary Outpatient Commitment" or IOC. Even though the judge is not directly involved in choosing medical care, having a court-order care has some amount of perceived coercion for many folks we have talked to. Please note again that physical force does not have to be involved for people to perceive coercion.

In any case, I do not expect you to report on that topic. I would like to have any reports about progress and evaluation of these programs after several years.

Please note that I request only digital/email material, and not paper.

Thanks,  
David

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To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)  
From: [FOIA@samhsa.gov](mailto:FOIA@samhsa.gov)  
Tue, Nov 26, 2019, 6:00 AM

Hi, Mr. Oaks,

I heard back from the Center for Mental Health Services (CMHS) that they do not track information on court-ordered drug treatment, so that will not be available to you through SAMHSA. The best way to find out that information would probably be to contact the individual agencies.

I'm puzzled about your question regarding evaluating the agencies' work. They are required to file reports and I have asked to send them to me for review before sending them to you.



I also asked the Office of Financial Resources to provide the initial grant applications. Let me know if you don't want those.

Because of the volume of documents, I anticipate sending you interim responses. In the past with such a large request, I've sent weekly interim responses. Let me know if that is not what you prefer.

Siobhan Dugan  
FOIA Officer

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To: [foia@samhsa.gov](mailto:foia@samhsa.gov)  
From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)  
Mon, Nov 25, 2019, 3:14 PM

Yes, please start gathering material for evaluating these 16 sites.

But isn't there anything now for evaluating the progress at all? How else can legislators decide if this is effective or not?

But yes, please start gathering this material.

David  
541-914-1469

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To: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)  
From: [FOIA@samhsa.gov](mailto:FOIA@samhsa.gov)  
Mon, Nov 25, 2019, 6:01 AM

Hi, Mr. Oaks,

I clicked on the links in your email and found 16 organizations listed as grantees for this program in 2016. Just so you're aware, tracking down and reviewing that amount of information will be time consuming; I would guess

it will take at least six months. Let me know if you have any questions about that and I'll get the process started today.

All the best,

Siobhan Dugan  
FOIA Officer  
Writer/Editor  
Office of Policy, Planning, and Innovation  
Substance Abuse and Mental Health Services Administration  
5600 Fishers Lane  
Rockville, MD 20857  
240.276.2327 (Phone)  
240.276.2010 (Fax)  
[siobhan.dugan@samhsa.hhs.gov](mailto:siobhan.dugan@samhsa.hhs.gov)

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To: [mariam.chase@samhsa.hhs.gov](mailto:mariam.chase@samhsa.hhs.gov)

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Sat, Nov 23, 2019, 2:20 PM

Dear Ms. Chase,

I emailed the below to the email address for Phil Walls, but he apparently no longer works there. Can you please forward these to the SAMHSA media officer and copy me?

Thanks.

Dear Mr. Walls,

You might recall that a couple of years ago I worked on an article on my blog about the below program, that was in 17 locations.

I would like to write an update. I have already emailed to SAMHSA FOIA for their information on this program.

What can you tell me about these programs now? What public information is available about evaluation? What changes have happened over the last couple of years? As you know, while there is no mechanism for forced treatment in these programs, I am very interested in any type of coercion or pressure the participants may experience. Any information on that topic?

The program I am referring to is of course the following:

<https://www.samhsa.gov/grantsgrant-announcements/sm-16-011>

From this announcement, I understand:

"This pilot program was established by the Protecting Access to Medicare Act of 2014 (PAMA), Section 224, that was enacted into law on April 1, 2014. Within the Act, AOT is defined as 'medically prescribed mental health treatment that a patient receives while living in a community under the terms of a law authorizing a state or local court to order such treatment.'"

I understand the awardees are:

<https://www.samhsa.gov/grantsawards/2016/SM-16-011>

A couple of years ago, there were 256 participants. Any and all updates are appreciated.

David  
David W. Oaks  
Eugene, Oregon

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Sat, Nov 23, 2019, 12:27 PM

To: [foia@samhsa.gov](mailto:foia@samhsa.gov)

From: [davidwoaks@gmail.com](mailto:davidwoaks@gmail.com)

Dear SAMHSA FOIA folks,

This is a request for any and all information about the following program:

<https://www.samhsa.gov/grants/grant-announcements/sm-16-011>

<https://www.samhsa.gov/grants/awards/2016/SM-16-011>

I am preparing an article about these 17 sites, especially the use of any court-ordered psychiatric drugging.

A couple of years ago, I wrote about this topic and Mr. Phil Walls recommended I look into FOIA. If you have any questions, please email or phone me at 541-914-1469.

I would like to request any and all information to be in digital form via email.

Thanks,

David

David W. Oaks

2000 City View St.

Eugene, OR 97405

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