

# KANSAS MENTAL HEALTH COALITION

.....Speaking with one voice to meet the critical needs of people with mental illness

## Mental Health and Criminal Justice Issues

**Position:** The Kansas Legislature must adopt a three-fold public policy objective that focuses on: (1) Mental health diversion programs to keep individuals with serious mental illnesses out of the criminal justice system and to connect them with mental health treatment resources; (2) Therapeutic care for offenders in the justice system who are living with mental illness; and (3) Effective discharge planning to ensure that individuals with serious mental illnesses are linked to community-based services upon release from correctional facilities.

**The Problem:** Significant numbers of individuals living with serious mental illness have encounters with law enforcement agencies, then find themselves in a criminal justice system where the recognition and treatment of mental illness is not the primary mission.<sup>i</sup> Increases in routine encounters between individuals living with mental illness and law enforcement personnel lead to unnecessary arrests and detentions as well as occasional tragic outcomes for communities. What's more, there is a lack of continuity in the way persons with mental illness receive treatment in the community versus the treatment they receive in jail and correctional facilities. There is an inconsistency state wide in the care of individuals with mental illnesses in county jails.

Repeated detentions and hospitalizations for offenders who are released from the criminal justice system result in increased costs to state and local agencies.

**Why this matters:** Repeated detentions and hospitalizations for offenders who are released from the criminal justice system result in increased costs to the Department of Corrections, local jails, Medicaid and the public mental health system. Persons with mental illness in county jails may have to wait weeks or months for admission to the Larned State Security Program (LSSP) for the purpose of being evaluated or for competency treatment. This continued waiting period is of significant concern to the courts, county jails, KDADS, and mental health advocates.

**The bottom line:** Only a limited number of Kansas communities have taken steps to reduce the criminalization of people living with mental illness through pre-arrest and post-arrest diversion programs. More action is needed to develop alternatives to incarceration, including support for Crisis Intervention Teams (CIT), mental health specialty courts, and post-release programs designed to reduce recidivism.

**Need more information?** Drill deeper into this issue on the back of this page.

## The rest of the story about mental health and criminal justice issues in Kansas

**The mental health system is part of our public safety infrastructure:** Although Kansas has made significant strides toward coordinating its mental health and public safety infrastructures, much work remains. A successful policy that aims to reduce the number of incarcerations among people with mental illness includes many of the programs listed below. Introducing or expanding these programs will greatly benefit Kansas communities.

- **Crisis Intervention Teams.** CIT programs establish law enforcement protocols for handling crisis situations and provide training for law enforcement officers. More than 900 law enforcement and criminal justice professionals have been trained to respond to persons with mental illness in crisis. \$25,000 in annual funding is needed to train additional CIT officers and to stimulate the expansion of CIT programs statewide.
- **Crisis Stabilization Treatment Centers.** A network of crisis stabilization treatment centers is needed to provide a destination for persons in crisis short of being admitted to regional or state hospitals. These centers would offer resources to assist with persons in crisis who have contact with law enforcement.
- **Mental Health Diversion Programs.** Diversion programs, such as the one in Johnson County, are designed to assist persons with severe mental illness and to receive case management services and follow a specific treatment plan for a specified period. Charges for non-violent offenses are dismissed upon completion of the diversion.
- **Mental Health Courts.** Mental health courts seek to prevent incarceration by making connections to mental health resources, then developing and assuring adherence to a treatment plan. The City of Wichita has the state's only mental health court.
- **Community Based Competency Evaluations.** Funding is needed to increase the number of competency evaluations completed in the community or in local jails. This reduces the cost of hospital-based evaluations, the often long stays in county jails waiting for an available bed at Larned State Hospital, and the cost of transportation.
- **Expand Services at the State Security Hospital.** The State Security Hospital (Larned) evaluates, treats, and cares for individuals living with serious mental illnesses who are committed or ordered by courts of criminal jurisdiction, and/or transferred from the Department of Corrections. Funding is needed to staff an additional 30-bed unit.

---

<sup>i</sup> KDOC documentation shows that from July 2008 to June 2009, 18% of inmates (1,558) were on psychotropic medications. In that same timeframe, 1,037 inmates were newly diagnosed with an Axis I disorder or dual diagnosis. In 2007, of the 5,008 released, 10% had a severe mental illness and another 10% had a severe and persistent mental illness.