

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 public policy that focuses on: (1) Mental health diversion programs that connect youth and adults with serious mental illness with treatment resources that keep them out of the criminal justice system, including a long-term commitment to Juvenile Justice System Reform passed in 2016; (2) Therapeutic care for offenders who are living with mental illness; and (3) Effective discharge planning to ensure that individuals with serious mental illnesses receive community-based services upon their release.

The Problem: Significant numbers of individuals living with serious mental illness have encounters with law enforcement agencies. The recognition and treatment of mental illness is not the primary mission for the criminal justice system. There is no statutory requirement to provide therapeutic mental health care. KDOC reports that 35% of adult inmates have a mental illness and many parole violators have a history of substance abuse or mental illness.ⁱ Prior to the adoption of SB 367, data consistently showed that 75% of juveniles in detention facilities had a history of mental illness and substance use. There is a lack of continuity in mental health treatment between corrections facilities and community-based treatment providers and inconsistency 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 KDOC, counties, local jails, Medicaid and the public mental health system. Increases in routine encounters with law enforcement lead to unnecessary arrests and detentions as well as occasional tragic outcomes for communities. Youth are much more likely to graduate high school and remain in their homes when community based interventions are provided to them and their families. Persons with mental illness in county jails 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 is of significant concern to the courts, county jails, and KDADS.

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. While Kansas has taken a step forward for youth through juvenile justice reform, the Legislature should remain committed to the objectives of SB 367 and support the reform through funding and program oversight.

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

The mental health system is part of our public safety infrastructure: Policies that reduce the number of incarcerations of people with mental illness include many of the programs listed below. Introducing or expanding these will greatly benefit our communities.

- **Juvenile Justice Reform.** More than two-thirds of the state's juvenile justice budget was spent in juvenile prisons and out-of-home placements with less than 1% dedicated to evidence-based community rehabilitation programs and only 2.3% dedicated to prevention.ⁱⁱ Proven prevention programs reduce youth recidivism by 20% on average and save \$2-\$10 for every dollar invested.ⁱⁱⁱ
- **Crisis Intervention Teams.** CIT programs establish law enforcement protocols for crisis situations and provide training for law enforcement officers. They have been established in nine counties^{iv} with an estimated 2,000 professionals trained. The Kansas Law Enforcement Training Center has had an ongoing contract with KDADS since FY 2014 to provide CIT training to help expand these programs. KDADS hired staff in 2017 to provide support to the growing CIT network.
- **Crisis Stabilization Treatment Centers.** A regional network of stabilization treatment centers is needed as an alternative to jail or hospitalization for persons in crisis and should be modeled after the RSI facility in Wyandotte County. Because RSI is restricted to voluntary admissions, individuals in crisis still end up in jails, ER's and state hospitals. An expanded model to include short term voluntary and involuntary crisis stabilization is a promising option.
- **Mental Health Diversion Programs.** Diversion programs, such as one in Johnson County, help persons with severe mental illness to receive case management services and follow a treatment plan for a specified period. Charges are dismissed upon completion of the diversion. The majority of diversion cases in Johnson County are for violent offenses.
- **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. Wichita and Topeka have implemented mental health courts at the municipal level. A Veterans Treatment Court is operating within the District Court in Johnson County. Douglas County is also developing a 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 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. The Larned unit is often full with a 60-90 day backlog.
- **Improve Access to Treatment for Offenders.** Mental health pods in county jails such as those in Shawnee and Sedgwick counties provide more humane treatment of offenders living with serious mental illness. While KDOC has expanded its specialized beds for inmates with serious mental illness, projected growth in the inmate population over the next 10 years could be reduced if more robust community-based treatment were available.

ⁱ KDOC's 2016 annual report (<https://www.doc.ks.gov/publications/Reports/2016>)

ⁱⁱ Kansas Division of the Budget. "FY 2016 Comparison Report." Updated September 2015.

ⁱⁱⁱ Reports from the Colorado Department of Public Safety and Washington State Institute for Public Safety.

^{iv} Douglas, Ford, Franklin, Johnson, Leavenworth, Saline, Sedgwick, Shawnee, and Wyandotte counties