Stepping Up Kansas

Audra Goldsmith | April 13, 2022
Speakers

- Audra Goldsmith, Senior Policy Analyst, Behavioral Health, The Council of State Governments Justice Center
Presentation Outline

- Stepping Up Background
- Overrepresentation of SMI in Jails
- The Impact of Data
- Average Length of Stay as Related to Competency to Stand Trial (CST) Jail Population
- Progress on CST from Other States
- Stepping Up Can Assist
The Council of State Governments Justice Center

• Stepping Up partner along with the National Association of Counties (NACo) and the American Psychiatric Association Foundation (APAF)
• Justice Reinvestment
• Justice and Mental Health Collaboration Program
• Douglas County intensive project
Stepping Up is a national initiative to reduce the number of people with mental illnesses in jails.

#StepUp4MentalHealth
www.StepUpTogether.org
More than **540** counties across **45** states have joined Stepping Up to reduce the prevalence of mental illness in jails.

**48%** of Americans live in a Stepping Up county.

Approximately **2 million** times each year, people who have serious mental illnesses are booked in jails.

**30+** Innovator Counties are blazing the trail in data collection.

**5** states have launched statewide Stepping Up initiatives.
<table>
<thead>
<tr>
<th></th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Is our leadership committed?</td>
</tr>
<tr>
<td>2</td>
<td>Do we conduct timely screening and assessments?</td>
</tr>
<tr>
<td>3</td>
<td>Do we have baseline data?</td>
</tr>
<tr>
<td>4</td>
<td>Have we conducted a comprehensive process analysis and inventory of services?</td>
</tr>
<tr>
<td>5</td>
<td>Have we prioritized policy, practice, and funding improvements?</td>
</tr>
<tr>
<td>6</td>
<td>Do we track progress?</td>
</tr>
</tbody>
</table>
1. Reduce the number of people with mental illnesses booked into jails

2. Shorten the length of stay in jails for people who have mental illnesses

3. Increase connection to treatment for people who have mental illnesses

4. Reduce recidivism rates for people who have mental illnesses
Overrepresentation of SMI in Jails

General Population

- 4% Serious Mental Illness

Jail Population

- 17% Serious Mental Illness
- 72% Co-occurring Substance Use Disorder

### Facility Population on 8.24.2021

<table>
<thead>
<tr>
<th>Facility Population</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMI</td>
<td>36</td>
<td>23%</td>
</tr>
<tr>
<td>Non-SMI</td>
<td>122</td>
<td>77%</td>
</tr>
<tr>
<td>Total</td>
<td>158</td>
<td>100%</td>
</tr>
</tbody>
</table>
## Judicial Status for SMI Population on 8.24.2021

### Douglas County Correctional Facility Statistics for 8.24.21 Population

<table>
<thead>
<tr>
<th>Judicial Status</th>
<th>SMI</th>
<th>Non-SMI</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pretrial only</td>
<td>24</td>
<td>67%</td>
<td>72</td>
</tr>
<tr>
<td>Sentenced county time</td>
<td>6</td>
<td>17%</td>
<td>34</td>
</tr>
<tr>
<td>Sentenced state time</td>
<td>6</td>
<td>17%</td>
<td>12</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0%</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>36</td>
<td>100%</td>
<td>122</td>
</tr>
</tbody>
</table>

- **67% Pretrial Only**
- **17% Sentenced to County Time**
- **17% Sentenced State Time**
- **0% Other**
Shawnee County Department of Corrections ADC Facility Population Statistics for 8.27.21

<table>
<thead>
<tr>
<th>SNCO ADC Population</th>
<th>Total</th>
<th>Population %</th>
<th>ALOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SNCO ADC Total Population</td>
<td>536</td>
<td>100%</td>
<td>180</td>
</tr>
<tr>
<td>SMI Population</td>
<td>164</td>
<td>31%</td>
<td>276</td>
</tr>
<tr>
<td>NON-SMI Population</td>
<td>372</td>
<td>69%</td>
<td>137</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SNCO ADC Population by Incarceration Type</th>
<th>Total</th>
<th>Population %</th>
<th>ALOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pretrial</td>
<td>424</td>
<td>79%</td>
<td>201</td>
</tr>
<tr>
<td>SMI Population</td>
<td>132</td>
<td>31%</td>
<td>305</td>
</tr>
<tr>
<td>NON-SMI Population</td>
<td>292</td>
<td>69%</td>
<td>154</td>
</tr>
<tr>
<td>Sentenced County/City</td>
<td>68</td>
<td>13%</td>
<td>74</td>
</tr>
<tr>
<td>SMI Population</td>
<td>19</td>
<td>28%</td>
<td>97</td>
</tr>
<tr>
<td>NON-SMI Population</td>
<td>49</td>
<td>72%</td>
<td>65</td>
</tr>
<tr>
<td>Sentenced State Prison</td>
<td>27</td>
<td>5%</td>
<td>163</td>
</tr>
<tr>
<td>SMI Population</td>
<td>8</td>
<td>30%</td>
<td>317</td>
</tr>
<tr>
<td>NON-SMI Population</td>
<td>19</td>
<td>70%</td>
<td>99</td>
</tr>
<tr>
<td>Other (Federal Hold, ICE Hold, Courtesy Hold, etc.)</td>
<td>17</td>
<td>3%</td>
<td>94</td>
</tr>
<tr>
<td>SMI Population</td>
<td>5</td>
<td>29%</td>
<td>128</td>
</tr>
<tr>
<td>NON-SMI Population</td>
<td>12</td>
<td>71%</td>
<td>79</td>
</tr>
</tbody>
</table>
Detrimental Effects of Incarceration

Research indicates harmful impacts of pretrial detention. . .

- Costs
- MH Decompensation
- Lack of Connection to Supports

. . . And detention separates people with behavioral health needs from community treatment and supports
Addressing ALOS in Relation to CST

Policy strategies identified so far:

- Restrict which cases are referred for competency evaluations.
- Develop alternative evaluation sites.
- Develop alternative restoration sites.
- Set time limits or parameters for different steps.
- Address operational inefficiencies.
- Develop robust community-based treatment and supports for diversion.
Parts of the Competency Elephant

- **Due process**
- **Clinical considerations with location relevance (jail, community, hospital)**
- **Civil commitment standards**
- **State vs. local responsibilities and costs**
- **Time limits**
- **Data**
- **Working toward restoration or recovery**

https://commons.wikimedia.org/wiki/File:African_bush_elephant_in_San_Diego_Zoo.jpg
ELIMINATE the WAIT

The Texas Toolkit for Rightsizing Competency Restoration Services

October 2021

JUDGES AND COURT STAFF

What’s My Role to Eliminate the Wait for Competency Restoration Services?

1. Identify and Meet Mental Health and IDD Needs at the Earliest Point
   - Do I receive timely notice of credible information from all administrators that may establish reasonable cause to order an examination under the Code of Civil Procedure Title 4, Chapter 147.001 ET AL or TDD Ex. Code Civ. Proc. (ECP) art. 16.032(18)?
   - Do I ask for a Magistrate Judge to enter the 16.032 interview if reasonable cause is found from the jail intake or from an alternative source?
   - Do I require completion of the Collection of Information Report (16.032 Report) from the interviewing officer, prosecutor, trial court with jurisdiction, sheriff, and police officer/preliminary hearing officer (CCP art. 16.208-10)?

2. Create a Culture of Diversion First
   - Are the 16.022 Reports and risk assessments being used for decisions about jail appointments, court treatment, specialty courts, and community supervision?
   - On misdemeanor cases, are I considering treatment or diversion alternatives first, and using competency evaluations only as a last resort when all other options are not available or appropriate?

3. Consider Alternatives to State Hospital if CR is Necessary
   - Am I aware that competency restoration services (CRS) are not comprehensive mental health treatment?
   - The CR process is to return the client to a competent state that would allow inclusion of the adjudication process. While hospitalization of mental illness may be necessary during the client’s time in USCCP, CR is not a substitute for mental health treatment.
   - Have I considered placing in MHL isolation in the court’s discretion with the client’s treatment provider and the court to coordinate with the client’s jurisdiction and those with public protective services involved in each component?
   - Does my local Mental Health Authority (MHA) or Local Behavioral Health Authority (LBHA) have a MH liaison assigned? Is my court able to communicate with this person effectively and quickly regarding specific cases and dedications?
   - Have I developed a specialty court as required under Tex. Govt Code § 425.002?
Texas Toolkit: What Role Do Judges and Court Staff Play?

• Identify and meet mental health and IDD needs at the earliest point
• Create a culture of diversion first
• Consider alternatives to state hospital if CR is necessary
• Create efficient court policies for people who receive inpatient CR services at the state hospital (SH)
• Leading through partnerships
• Education and awareness

California Incompetent to Stand Trial Solutions Workgroup: 2021 Recommendations

Short-Term Strategies:
- Provide immediate solutions for 1700+ individuals currently found incompetent to stand trial on felony charges and waiting in jail for access to a treatment program.
- Provide quick access to treatment in jail, the community, or a diversion program.
- Identify those who have already restored.
- Reduce new IST referrals.

Medium-Term Strategies:
- Continue to provide timely access to treatment.
- Begin to implement other changes that address broader goals of reducing the number of ISTs.
- Increase IST treatment alternatives.

Long-Term Strategies:
- Break the cycle of criminalization.
- Reduce the number of individuals found incompetent to stand trial on felony charges.
- Provide bridge funding or strategies until broader behavioral health transformation initiatives are fully implemented.

Goal: A System of Diversion to a System of Care

Community-Based Continuum of Treatment, Services, and Housing

- Outpatient Treatment
- Intensive Outpatient Treatment
- Integrated MH & SU Services
- Peer Support Services
- Crisis Services
- Supported Employment
- Psychopharmacology
- Supportive Housing
- Case Management
- Psychopharmacology
- Supportive Housing
- Case Management

Pre-booking
- Law Enforcement
  - Initial Contact with Law Enforcement
- Law Enforcement
  - Arrest
- Jail-based
  - Initial Detention
- Court-based
  - First Court Appearance
- Pretrial
  - Jail - Pretrial
- Court-based
  - Dispositional Court
  - Specialty Court
- Jail-based
  - Jail/Reentry
  - Prison/Reentry
- Probation
- Parole

Post-booking
At-A-Glance: Planning and Implementing Effective Responses for People with SMI

Using system data to identify drivers

Planning scaled-up approaches across the justice system...

That are based on best available knowledge, including

- Interagency planning
- Screening, assessment
- Appropriate treatment and supervision
- Trained personnel
- Data collection/analysis
- Quality assurance

Strategically leveraging different funding streams
What Does It Take?

• Conduct universal mental health screening pre-arraignment
• Holistic approach that includes social workers and peer support specialists in the forensic setting
• Limit use of CST processes when applicable
• Offer appropriate level of care based on need for those found incompetent
• Support data collection and analysis of specific court-system metrics

• Jail liaisons
• Forensic social workers
• Forensic peer support specialists
• Diversion programs
• Specialty courts
• Trauma informed therapy
• Supportive housing enhancements
• Harm reduction philosophy
• Helping reconnect with family
• Instill hope, motivation, self-compassion

### The Four Key Measures and Potential System Improvements

<table>
<thead>
<tr>
<th>1. Reduce # of Bookings for SMI</th>
<th>2. Shorten ALOS</th>
<th>3. Increase Connections to Care</th>
<th>4. Reduce Recidivism</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Police-Mental Health Collaborations</td>
<td>• Routine screening and assessment</td>
<td>• Expand community-based treatment, services, and housing</td>
<td>• Apply Risk-Need-Responsivity and the Behavioral Health Framework</td>
</tr>
<tr>
<td>• CIT training</td>
<td>• Pretrial risk screening, release, supervision, and diversion</td>
<td>• Leverage Medicaid and federal, state, and local resources</td>
<td>• Specialized probation</td>
</tr>
<tr>
<td>• Co-responder model</td>
<td>• Improve/shorten processes for competency proceedings</td>
<td></td>
<td>• Ongoing program evaluation</td>
</tr>
<tr>
<td>• Crisis diversion centers</td>
<td></td>
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Checklist for Criminal Justice-Behavioral Health Partnerships
“The most tragic aspect of this crisis is that the massive efforts to admit and restore patients are ultimately a waste of expensive clinical resources without improving the trajectory of a person’s life. After returning to jail and standing trial, they are most likely worse off: either released without resources to the same circumstances that precipitated arrest or incarcerated.” DR. KATHERINE WARBURTON, MEDICAL DIRECTOR, CALIFORNIA STATE HOSPITALS

<table>
<thead>
<tr>
<th>NCSC draft report</th>
<th>Just &amp; Well</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Divert cases from the criminal justice system</td>
<td>Strategy 5: Expand opportunities for diversion to treatment at all points in the criminal justice system, including after competency has been raised.</td>
</tr>
<tr>
<td>2) Restrict which cases are referred for competency evaluations</td>
<td>Strategy 6: Limit the use of the CST process to cases that are inappropriate for dismissal or diversion.</td>
</tr>
<tr>
<td>3) Develop alternative evaluation sites</td>
<td>Strategy 9: Conduct evaluations and restoration in the community, when possible.</td>
</tr>
<tr>
<td>4) Develop alternative restoration sites</td>
<td>Strategy 9: Conduct evaluations and restoration in the community, when possible.</td>
</tr>
<tr>
<td>5) Revise restoration protocols</td>
<td>Strategy 8: Improve efficiency at each step of the CST process.</td>
</tr>
<tr>
<td>6) Develop and impose rational timelines</td>
<td>Strategy 10: Provide high-quality and equitable evaluations and restoration services, and ensure continuity of clinical care before, during, and after restoration and upon release.</td>
</tr>
<tr>
<td>7) Address operational inefficiencies</td>
<td>Strategy 3: Provide training for professionals working at the intersection of criminal justice and behavioral health.</td>
</tr>
<tr>
<td>8) Address training, recruitment and retention of staff</td>
<td>Strategy 4: Create and fund a robust system of community-based care and supports that is accessible for all before, during, and after criminal justice contact.</td>
</tr>
<tr>
<td>9) Coordinate and use data</td>
<td>Strategy 2: Examine system data and information to pinpoint areas for improvement. (Similar idea around the topic of data, but not necessarily to use in the same manner)</td>
</tr>
<tr>
<td>10) Develop robust community-based treatment and supports for diversion and for re-entry</td>
<td>Strategy 4: Create and fund a robust system of community-based care and supports that is accessible for all before, during, and after criminal justice contact.</td>
</tr>
</tbody>
</table>

**Additional Strategies:**
- Strategy 1: Convene diverse stakeholders to develop a shared understanding of the current CST process.
- Strategy 7: Promote responsibility and accountability across systems.
Objectives of the Stepping Up Kansas TA Center

1. Establish and implement data-driven plans to reduce the number of people with mental illnesses in local jails.
2. Identify best practice sites.
3. Create a central information bank for counties across KS.
4. Work with the Kansas Stepping Up Leadership Team to determine state-level policies that can be adjusted or implemented to improve local-level efforts to reduce the number of people with SMI in jails.
Benefits of a State Stepping Up TA Center

• Connections with sites across Kansas and nationally to facilitate peer learning and provide concrete examples of successful strategies and policies
• Access to national experts and a central information bank on best practices
• Guidance on the high-impact strategies and policies that achieve lasting results
Stepping Up Kansas TA Center Resources

• Dedicated staff point of contact based in Kansas
• CSG Justice Center staff available for consultation
• Office hours
• Virtual site visits
### Key Stepping Up Accomplishments

<table>
<thead>
<tr>
<th>Accomplishment</th>
<th>Nationally</th>
<th>In Kansas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counties that have passed a Stepping Up resolution to demonstrate leadership commitment</td>
<td>540</td>
<td>13</td>
</tr>
<tr>
<td>Innovator Counties with access to accurate baseline data on SMI in jail</td>
<td>35</td>
<td>3</td>
</tr>
<tr>
<td>Counties committed to Set, Measure, Achieve to make meaningful progress on the Stepping Up four key measures</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>
Kansas Stepping Up Technical Assistance Center

Audra Goldsmith, agoldsmith@csg.org

Be added to the center’s distribution list: KansasSteppingUp@csg.org

www.stepuptogether.org/ta/kansas