



**MENTAL HEALTH
IN JAILS
2020 State Action Plan**

MAY 22, 2020

**BEHAVIORAL HEALTH SERVICES
COMMISSION**

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KDADS Mission

The Kansas Department for Aging and Disability Services mission is to foster an environment that promotes security, dignity, and independence for all Kansans.

KDADS Vision

The Kansas Department for Aging and Disability Services envisions a community that empowers Kansas' older adults and persons with disabilities to make choices about their lives.

KDADS Behavioral Health Services Commission

Mission

Partnering to promote prevention, treatment, and recovery to ensure Kansans with behavioral health needs live safe, healthy, successful, and self-determined lives in their communities.

KDADS Behavioral Health Services Commission

Vision

Kansas communities support prevention and recovery throughout the lifespan.

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- **Sheriff Jeffrey Herring**, retired, Jefferson County
- **Sheriff Sandy Horton**, retired, Executive Director, Kansas Sheriffs' Association
- **Captain Wes Houk**, Douglas County Sheriff's Office

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Executive Summary

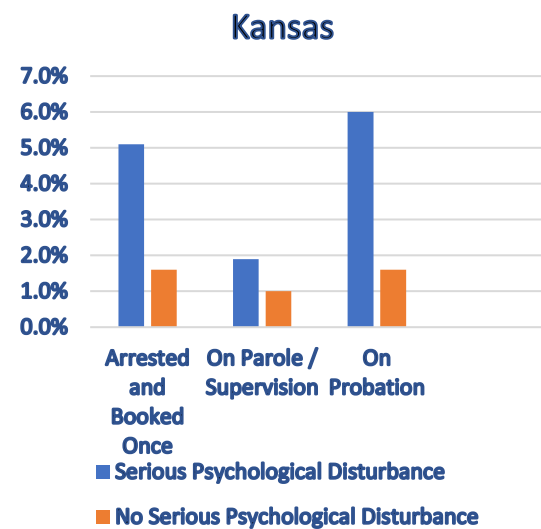
Across the nation, an estimated 11 million people are admitted to local jails annually. An estimated two million of those individuals have serious mental illness. While those with serious mental illness represent approximately four percent of the general population, they represent almost 17 percent of those incarcerated in jail. Nearly 72 percent of those with serious mental illness in jail also have a co-occurring substance use disorder¹.

Kansas has 96 local jails, operated by local governments, that are statutorily responsible for holding inmates waiting for their court date or trial or serving sentence on misdemeanor and some felony charges. While no state-wide data source exists to estimate the number of those incarcerated who have mental health conditions, Kansas is no exception to the national statistics that suggest the growing population of those with mental illness in jail is a concern².

Following a request by the Kansas Legislature, the Legislative Division of Post Audit (LPA) completed a review of the local jail and mental health system. The resulting report, “Community Mental Health: Evaluating Mental Health Systems in Local Jails,” was released in April of 2018³. Following an in-depth survey of conditions and services offered by local jails in Kansas to those with mental health needs, the report concluded that Kansas would benefit from an integrated statewide plan and more consistent collaboration between community mental health centers and local jails. The Legislative Division of Post Audit recommended that the Kansas Department for Aging and Disability Services (KDADS) should develop and present a statewide plan to the Kansas Legislature for consideration by July 2020. The statewide plan should address the following six parts:

1. The types of mental health services that should be available to inmates in Kansas jails
2. What agencies or entities should be responsible for providing necessary mental health services to inmates

Kansans who experienced serious psychological distress (SPD) are more likely to be arrested or be on parole or probation.



Source: National Survey on Drug Use and Health (NSDUH, R-DAS) 2015-2016

3. What and how much mental health training should be provided to all jail staff statewide
4. What resources are needed to fund the services and training that are determined necessary
5. Mechanisms for jails and community mental health centers to better coordinates services before inmates are released from jail
6. What statutory changes may be required to implement the statewide plan

To begin to examine the questions raised by the LPA report, the Behavioral Health Services Commission (BHS) invited members of the Kansas Sheriffs' Association, the Kansas Association of Chiefs of Police, the Kansas Department of Corrections, and the Association of Community Mental Health Centers of Kansas (ACMHCK) to participate in a Mental Health in Kansas Jails workgroup. At the initial meeting, participants were provided the LPA report and were asked to form subcommittees to address the report's questions⁴. In the following months, the Kansas Association of Chiefs of Police and the Kansas Sheriffs' Association and the ACMHCK delivered feedback to BHS on the ideas and recommendations made by the subcommittees. The Behavioral Health Commission developed the following report and action plan from this collaboration.

Key Highlights

Workgroup members largely concurred with the findings of the LPA report, emphasizing the cost of mental illness in Kansas jails, the wide variance in services and resources across the state, and the need for the state to take action to address the issue. In addition, all members endorsed the role local community mental health centers have in serving this population of need – CMHCs reported wanting to “do the work” and local law enforcement and corrections representatives welcomed their assistance⁵.

Mental Health in Jails Workgroup Members



In order to provide needed mental health care to Kansans involved in the legal system, the workgroup recommended funding support for CMHCs to provide services to those who cannot access KanCare benefits while incarcerated and a quicker process to reinstate eligible benefits after release⁶.

However, given that each community has unique barriers and resources, and the uncertainty of future state funding availability, both the Sheriffs' and Police Associations and the ACMHCK voiced they would not support the advancement of a plan to address mental health services in Kansas jails that included mandates of specific service provisions by any entity⁷.

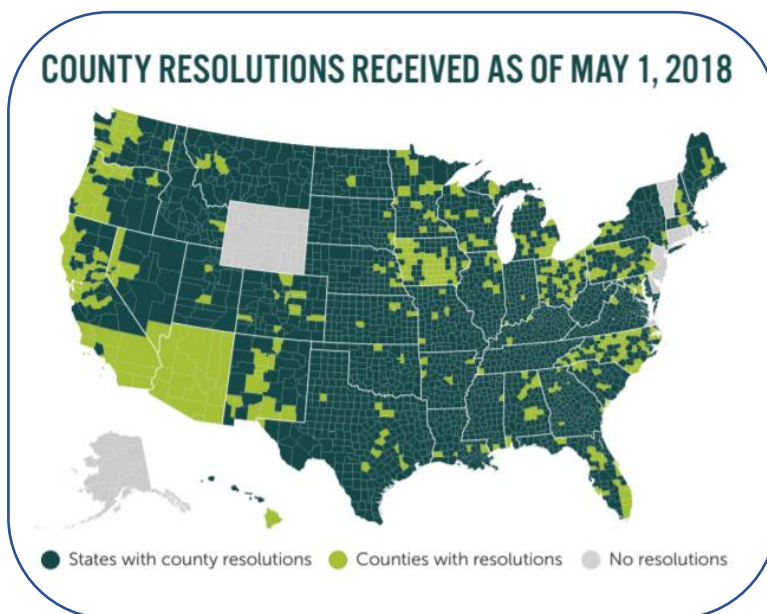
Finally, the workgroup concluded that while improving the delivery of mental health services in Kansas jails is needed, the most effective and compassionate approach is to focus efforts on diverting individuals with mental illness to treatment before incarceration. Kansas formed a statewide Crisis Intervention Training program following the recommendation of the Kansas Governor's Mental Health Task Force in 2014 and local efforts across the state include specialized court programs for Veterans and individuals with substance use disorder or other behavioral health conditions. The workgroup supported these efforts and continued work at the state level to build on these diversion programs. As such, the workgroup supported KDADS plan to advance the creation of a Kansas Technical Assistance Center to support local participation in the Stepping Up Initiative⁸.

The Stepping Up Initiative



Background

The Stepping Up Initiative is a nationwide partnership between the National Association of Counties, The Council of State Governments – Justice Center, and the American Psychiatric Association Foundation to reduce the number of people with mental illness in jail. Launched in May of 2015, over 500 counties across 43 states have joined the initiative and more than 10 states have launched state-level projects to advance the work⁹.



Stepping Up provides a framework for counties and local governments to implement data-driven strategies that are tailored to their jurisdiction's specific challenges and resources. By fostering collaboration between local partners and providing technical assistance, Stepping Up Initiatives across the country have led to reductions in the number of people with mental illness and co-occurring conditions in jails¹⁰.

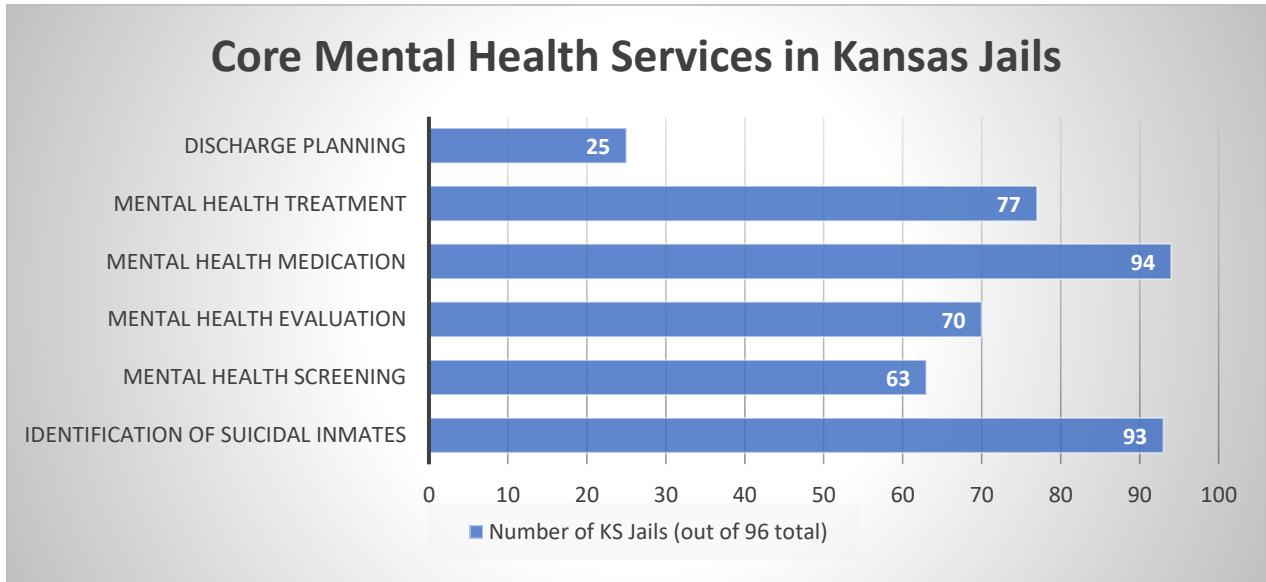
The Stepping Up blueprint is summarized in the initiative's framework document, [Reducing the Number of People with Mental Illnesses in Jail: Six Questions County Leaders Need to Ask](#). This framework guides counties through the process as they work on four key measures¹¹:

1. Reduce the number of people who have mental illnesses booked into jails
2. Shorten the length of stay in jails for people who have mental illness
3. Increase connection to treatment for people who have mental illness
4. Reduce recidivism rates for people who have mental illness

Why the Stepping Up Initiative for Kansas

A key finding of the LPA report was the wide variance in the incidence of mental illness in jails across the state and the local resources available to provide services. Kansas has a total of 96 jails with capacity to house between three (Greeley County) and 1,315 (Sedgwick County) inmates¹². Using the National Commission on Correctional Health Care's Standards for Mental Health Services in Correctional Facilities, LPA asked jails which of the six core services were available to inmates: identification of suicidal inmates, screening, evaluation, medication, treatment, and discharge planning¹³.

Almost all jails surveyed reported the ability to identify inmate's with risk of suicide or self-harm, however less than 10 percent of jails in Kansas report providing all the services. The report noted that this variance was found across jails of all sizes and locations and could not be attributed to any geographic commonality. Workforce challenges, funding and population differences all contribute to the differences as well.



Source: Performance Audit Report, Mental Health Services in Jails, April 2018

The Stepping Up Initiative enables local communities to tailor their response to the challenge of addressing mental illness in jail to be most effective for their community. The collaborative process encourages stakeholder investment at the local level while also providing technical expertise from across the country. The initiative's emphasis and technical assistance on data collection will also improve both the state and counties understanding of the problem, a concern highlighted in the LPA report¹⁴.

The Kansas Stepping Up Technical Assistance Center

The Kansas Department for Aging and Disability Services proposes an 18-month collaboration with the Council of State Governments-Justice Center to support communities across the state in reducing mental illness in jail through participation in the Stepping Up Initiative. This goal will be accomplished through one-on-one onsite and distance training, group trainings, coaching from local and national experts, and access to resources and technical guidance on the intersection of mental health and the justice system.

KDADS will support this project at the state level with cross-system collaboration with key partners from the state and local agencies. Local representation at all levels of participation will be important to directly informing community needs.

The creation of a state-wide initiative will also leverage the work existing Stepping Up Innovator counties across Kansas have done to lower the rate of those incarcerated with mental illness and connecting counties with Kansas-specific solutions¹⁵.

The Kansas Stepping Up Technical Assistance Center will meet this goal of assisting counties across the state lower the rate of mental illness in local jails through the following objectives:

1. Establish and implement data-driven plans to reduce the number of people with mental illnesses in local jails via a cohort technical assistance approach.
2. Identify best practice sites across the state to act as peer mentors and facilitate connections with other counties with goals of establishing baseline data and setting reduction targets.
3. Create a central information back for counties across Kansas on the intersection of mental illness and criminal justice for on-going access to resources and broad-based TA for all Kansas counties.
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.

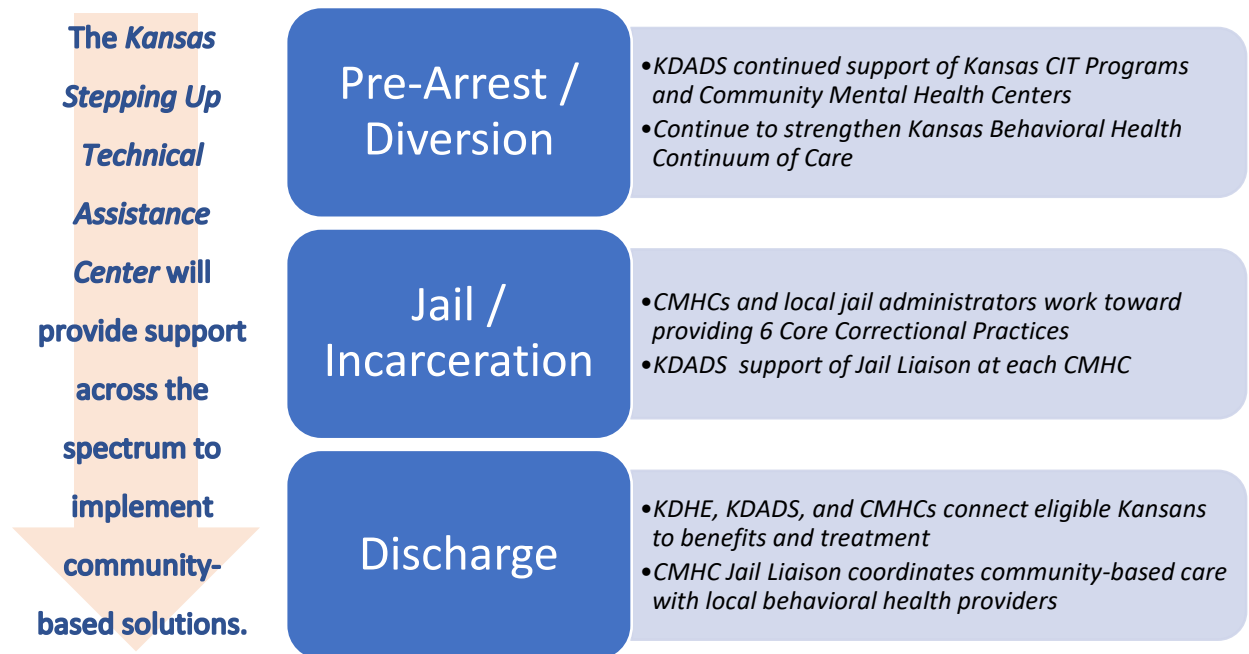
Establishing the Kansas Stepping Up Technical Assistance Center in conjunction with following the guidance provided by the Mental Health in Jails workgroup convened by KDADS will establish a state-wide plan that can be tailored to meet the needs of Kansas' many diverse communities.

Stepping Up Innovator Counties accurately identify individuals with mental illness in their jails, collect and share data needed to connect to treatment and services, and use this information to inform local policies and practices.

The Stepping Up Initiative recommends a three-step approach:

- 1. Establish a shared definition of Serious Mental Illness across systems**
- 2. Use validated screening tools and refer for follow-up clinical assessment**
- 3. Record results and report out data**

State Action Plan



Through this plan the Kansas Department for Aging and Disability Services will address the six questions in the Legislative Post Audit report.

1. The types of mental health services that should be available to inmates in Kansas jails

The Kansas Department for Aging and Disability Services supports the six core services the National Commission on Correctional Health Care’s 2015 Standards for Mental Health Services in Correctional Facilities as identified in the LPA report; Suicide Prevention Program, Mental Health Screening, Mental Health Assessment and Evaluation, Medication, Treatment, and Discharge Planning. KDADS also recognizes the positions of the Kansas Sheriffs’ Association and the Association of Community Mental Health Centers of Kansas that do not support a mandate for specific services. The proposed Kansas Stepping Up Technical Assistance Center will work directly with local counties to develop individual plans that fit the needs and resources of that county. These individual plans will address the implementation of the six core services as best fits the local community.

2. What agencies or entities should be responsible for providing necessary mental health services to inmates

Nearly all jails in Kansas reported identifying suicidal inmates and providing needed medication. Kansas statute directs jails to provide for the safety and medical care of individuals while

incarcerated¹⁶. By providing direct technical assistance, access to training and a central information resource, the Kansas Stepping Up Technical Assistance Center will enable participating jails that did not report screening and assessment to incorporate those services as needed.

In state fiscal year 2020, the position of Jail Liaison is new to the agreement between Community Mental Health Centers and KDADS¹⁷. The Jail Liaison is a designated representative from the local CMHC who will work directly with inmates and jail staff to assist with accessing information and resources and provide the supportive services and follow up for treatment and discharge to the community. The CMHC will provide these services to the jails in its geographic catchment area, regardless of the pre-incarceration residence of the inmate. The Kansas Stepping Up Technical Assistance Center, supported by KDADS, will engage both local law enforcement, county leadership and local providers to find solutions for individual communities to further sustain this work. In addition, KDADS will continue to pursue additional resources to support the CMHCs.

3. What and how much mental health training should be provided to all jail staff statewide

Like resources – training needs are specific to the jurisdiction. BHS recognizes the feedback from the workgroup that smaller departments and law enforcement agencies don't have the capacity to divert corrections or patrol staff to lengthy trainings, like the 40-hour Crisis Intervention Training¹⁸. BHS will continue to work with the Kansas Law Enforcement Training Center, Mental Health America of the Heartland, Kansas CIT Association, and the Association of Community Mental Health Centers of Kansas to make accessible a range of trainings to local law enforcement.

In addition, the Kansas Stepping Up Technical Assistance Center will provide intensive local support to participating communities, the opportunity for peer-to-peer learning with other agencies, national expertise and resources, and a central information bank with ongoing access to resources and broad-based TA on issues around mental illness and the justice system for all Kansas counties.

4. What resources are needed to fund the services and training determined necessary

To implement this plan, KDADS needs the funds to contract with the Council of State Governments – Justice Center to develop the Kansas Technical Assistance Center. A central component of the Stepping Up Initiative is developing local leadership commitment to providing resources as well as assisting in identifying funding strategies specific to a community. In addition, the workgroup requested additional support to CMHCs for the provision of a Jail Liaison to coordinate treatment and discharge services for inmates with mental illness. Public

funding restrictions prohibit CMHCs from being able to bill KanCare for services provided to individuals while incarcerated.

Quick access to care in the community following discharge from jail is crucial to helping Kansans with mental illness continue to maintain community tenure. To ensure that individuals with KanCare benefits prior to incarceration are quickly connected to services, the Kansas Department for Health and Environment – Division of Health Care Finance recently began to contract with Appriss data exchange company to provide real-time information on the incarceration status of KanCare members. Appriss provides a nightly file match of all bookings and releases from county jails across Kansas to KDHE. KDHE is then able to reinstate the benefits of eligible members after release or approve MediKan Reintegration and send a new benefits application¹⁹. According to KDHE, benefits are reinstated or MediKan is established within 24-48 hours from release. KDADS will continue to work with KDHE and CMHCs to ensure this process effectively provides seamless access to services.

Finally, KDADS supports the continued development and implementation of recommendations made in the Mental Health Task Force Report presented to the Legislature in January of 2019²⁰. A robust continuum of care in the community is necessary to achieve a reduction of mental illness in jail. Closing the gaps in the mental health system identified in the task force report will create avenues for Kansans to receive the services they need before jails become the provider of last resort. Since the release of the LPA report, additional crisis centers have opened across the state with more in development. Effective mental health treatment in jail can only be sustained when there are community resources available after release.

5. Mechanisms for jails and community mental health centers to better coordinate services before inmates are released from jail.

The inclusion of the Jail Liaison position in the KDADS agreement with CMHCs will improve coordination of services for inmates as they return to the community. The Jail Liaison will be able to ensure continuity of care and assist the individual in obtaining medication and services in the community. The Kansas Stepping Up Technical Assistance Center will be able to provide support to communities as they build services tailored to the available resources of the community. In addition, peer-to-peer learning will enable communities to learn from Innovator Counties that have found effective local solutions.

6. What statutory changes may be required to implement the plan state-wide

No statutory changes are required to implement this plan.

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²⁰ Governor’s Mental Health Task Force Report (2019, January) *Kansas Department for Aging and Disability Services, Behavioral Health Services Commission.*