

IMPROVING CRIMINAL JUSTICE RESPONSES FOR PERSONS WITH MENTAL ILLNESS
HB 1183 OVERSIGHT COUNCIL MEETING
Tuesday, October 3, 2017, 1:00 PM
State Capitol, Room 414
Pierre, SD

Attendance

Greg Sattizahn, Hon Judge Carmen Means, Commissioner Cindy Heiberger, Mike Miller, Senator Alan Solano, Dr. Thomas Stanage, Chris White, Terry Dosch, Amy Iversen-Pollreisz, Sheriff Mike Milstead, AJ Franken, and Senator Reynold Nesiba (by phone)

Excused: Representative Dan Ahlers and Representative Leslie Heinemann

Call to Order

Chairman Greg Sattizahn called the meeting to order at 1:10 p.m. The meeting was broadcast live again through the Boards and Commissions Portal. Roll call by Sadie Stevens.

Approval of 7-18-17 Meeting Minutes

A motion was made and seconded. The motion passed unanimously.

Competency Evaluation Fund

Bob Wilcox participating by phone gave an update on the rules for the administration of the Competency Evaluation Fund that have been finalized and adopted by the Association of County Commissioners and approved by Department of Social Services (DSS). To date, three counties submitted three requests seeking access to the funds. The first request came from Bennett County for \$750, the second from Dewey County for \$1,962.50, and the third from Deuel County for \$1,800. Mr. Wilcox mentioned there has been more interest in the funds now that more counties are aware of the fund. The current funding period is April 1 to October 31 and the next period is November 1 to March 31, 2018. Five board members will sit on the review committee. Current membership includes a county auditor and a states' attorney. The Association is waiting for recommendations for the remaining positions, and hopes to have the committee membership finalized by the end of the year.

Senator Solano inquired if they knew how long it took to complete the competency evaluations for the three counties requesting funds. Mr. Wilcox did not have that answer but will report that information to Chairman Sattizahn. Senator Solano asked if the evaluations were completed within the 21-day timeframe set by statute. Chairman Sattizahn reported there are mechanisms in place to track the length of time, but there are corrections that need to be made with the data collection. Presently, the report is given to the defense attorney and not to the court, so the court cannot determine when to stop the clock on how long the evaluations take. Mr. Miller offered his assistance with gathering the data. Sheriff Milstead agreed that there is no quick way to look at the results right now, but that he is confident the bill's changes will have a positive impact.

Mr. White commented that defense attorneys often request multi-purpose evaluations rather than just a competency exam for ease and economic reasons. He inquired whether the counties will be reimbursed for the competency portion of these multi-purpose evaluations, or if they will only be reimbursed for independently ordered competency evaluations. Mr. Wilcox said the fund was set up specifically for competency evaluations. Chairman Sattizahn said the idea was to ask for competency evaluations and then ask for further evaluations to be done at a later time if necessary. Chairman Sattizahn said he will follow up and review the county fund rules with Mr. Wilcox in more detail.

Crisis Response Training Update

Scott Rechtenbaugh, Assistant Director of DCI, reported that funds have been set aside to provide training to law enforcement officers and other system stakeholders. Greg Williams, also with the DCI, participated by telephone and outlined the proposal.

- DCI and DSS recommend using a federally-developed online training class titled, “Creating Safe Scenes,” along with a locally-developed guide to meet the initial training requirements. Several staff members did take the class and believe it meets the basic needs.
- DCI recommends training all law enforcement on “Mental Health First Aid for Public Safety,” an 8-hour nationally-recognized course. This course provides mental health awareness and response training. This course will be given by certified trainers bimonthly throughout the state beginning November or December 2017 and continuing through July 2018. The cost is estimated at \$2,500 per class, which includes instructor pay, travel expenses and materials. The course would not be limited to law enforcement, but would be beneficial for judges, state’s attorneys and defense attorneys. DCI and DSS will determine which topic to offer each year.
- Starting August 2018 through FY 2021, DCI and DSS will develop and offer crisis response training on a bimonthly basis at the request from local sheriffs and chiefs. These classes are 4 hours long and be further education for the officers and staff who have already attended or taken the Basic Training Academy or the 8-hour Mental Health First Aid for Public Safety course.
- DCI and DSS will continue to seek out training providers and alternative training options to meet specific requests or needs.
- Law Enforcement Training and Behavioral Health will work together to create informational guides for communities interested in establishing Mobile Crisis Response Teams or Crisis Intervention Teams.

Mr. Williams went on to state if agencies have a unique need for training, they can request up to \$10,000 funding for additional training. Senator Nesiba asked if Emergency Medical Technicians were eligible for training. Mr. Williams replied the plan is flexible for additional training.

Sheriff Milstead suggested that DCI consider including mental health training modules in the Online Academy already in place. He also requested that DCI and DSS examine the need for a train-the-trainer course for Mental Health First Aid. Senator Solano suggested that they consider using MHFA trainers in the local areas, if one is available, versus contracting with one entity to do all the MHFA trainings across the state.

Chairman Sattizahn thanked DCI for their work on this and said they will do follow-up after this meeting.

CIT Review Team

Chairman Sattizahn informed the council that HB 1183 required the creation and appointment of a Crisis Response Training Team. The individuals recommended for the team were: Randy Allen, Chad Mosteller, Chris White, Assistant Chief Don Hedrick, Wendy Giebink and Sheriff Mike Leidholt. Mr. Sattizahn thanked the members for their willingness to serve on this team. Sheriff Milstead made a motion to approve the members. Second was made by Mr. Franken. All in favor and motion passed. The initial meeting will be scheduled.

Jail Screening Pilot Update

Sheriffs' Association Executive Director Staci Ackerman stated the pilot group has met two times and made significant progress. This group includes sheriffs, jail administrators, providers and judges from each of the six counties who may pilot a jail screener: Pennington, Minnehaha, Codington, Faulk, Hughes and Charles Mix. Brown County has also been joining the meetings.

The group's first meeting was held August 31, 2017, where the members reviewed the 7 screening tools: Brief Jail Mental Health Screen, Correctional Mental Health Screen, Jail Screening Assessment Tool, 2 Kessler Psychological Distress Scales, and 2 Global Appraisal of Individual Needs Scales. The group considered costs, ease of use, length of time to administer, training required, and if use in a correctional setting. After debate, they agreed to use the Correctional Mental Health Screen (CMHS) for the following reasons:

- Codington County and DSS already use the tool.
- It is free and publicly available and developed specifically for correctional populations.
- It can be administered by correctional staff with no specialized mental health training.
- It takes 3-5 minutes to administer.
- There is a separate version for men and women.

Their second meeting was held September 28, 2017. Warden Jeff Gromer and Chief Deputy Brian Mueller facilitated a discussion on how the screening tool would be administered by the jails. The group decided detainees need to be screened within 72 hours. Ms. Ackerman also stated the group will monitor and track each pilot site to determine what is working and not working. The group's next step will be to determine how data will be collected and how the screening results will get to the courts.

Subgroup Report Out

- a. Services: Mr. Dosch reported this group consists of: himself, Senator Solano, Commissioner Cindy Heiberger, Representative Ahlers, Matt Stanley, Mike Miller, Tiffany Wolfgang and Judge Todd Hyronimus. The first meeting took place September 21, 2017. The mission and role of the group is to look at goals and scope of future services. One of the goals is to divert people with mental illness from the criminal justice system, when appropriate. They also discussed monitoring crisis response grant programs. Three grants were recently awarded to Behavior Management Systems, Lewis and Clark Behavioral Health Services, and Minnehaha County. Also within the scope of this group is estimating averted costs, making mental health professional recruitment and retention recommendations, and examining the need for and feasibility of telehealth services for criminal justice populations. One of the next steps is to find a way to determine average daily costs of jail stays.
- b. Competency Group: Mr. Franken reported this group consists of: himself, Representative Heinemann, Senator Nesiba, Senator Solano, Dr. Stanage, Kris Graham and Judge Means. The first meeting took place August 29, 2017. The primary goal for this group is to expedite completion of court-ordered evaluations to shorten the length of time people wait in jail for the evaluations. The group intends to provide input regarding examiners and their training, monitor the competency evaluation fund, look at a time frame for completion of the competency evaluations and the expanded list of examiners, and to estimate any averted costs. The group spent most of its first meeting reviewing how competency evaluations were completed before HB 1183 and how they should be completed moving forward. Their next steps are to review preliminary data around competency evaluations, review the finalized rules for the county competency fund, and look into options to develop a plan for training additional professionals to conduct the competency evaluations.

- c. Screening and Assessment: Dr. Stanage reported this group consists of: himself, Judge Means, Terry Dosch, Susan Kornder, Sheriff Milstead, Sheriff Thom, Sarah Petersen and Representative Johns. The first meeting took place August 31, 2017. The meeting was introductory in nature and identified the goals of the group: identify mental illness earlier, improve access to mental health assessment and treatment, and improve public safety. The members will also monitor and build upon the work of the Jail Pilot group. They also will study the process for assessment following positive jail screenings and make recommendations to improve communication between jails and providers.

Discussion/Questions

Chairman Sattizahn mentioned that he, Sheriff Thom and Barbara Pierce presented recently at the National Alliance on Mental Illness (NAMI) South Dakota conference in Spearfish. NAMI is very interested in the Oversight Council and is willing to work with the OC in the future.

Ms. Iversen-Pollreisz mentioned DSS awarded crisis response grants of \$28,000 Behavior Management Systems, \$35,000 to Lewis and Clark Behavioral Health Services, and \$18,000 to Minnehaha County. They received four proposals through an RFP, but the fourth one did not meet the requirements of the RFP and didn't fit with crisis response.

Chairman Sattizahn stated that Barbara Pierce and Sadie Stevens are working on a communications plan for the Oversight Council to share the progress of HB 1183 implementation. One focus will be on how to engage and give notice to the public. Examples of how to distribute information include the NAMI SD and County Commissioners newsletters and email updates through the Sheriffs' Association.

Chairman Sattizahn inquired of the members if they had any comments for future meetings. Sheriff Milstead stated that Minnehaha County would like to present at some point on the triage center concept they have been pursuing. He believes it has great potential and could be considered for other parts of the state.

Public Input

No comments from public.

Next Meeting

Chairman Sattizahn suggested the next meeting could be in early January before session and could be held by ITV or teleconference. By that time the subgroups will have more information. Judge Means stated she was in favor of ITV. Chairman Sattizahn will send out a poll for dates in the next few weeks. He said the group is continuing to make progress and heading in the right direction. He thanked the group for their hard work and attention.

Motion to Adjourn

Motion by Senator Solano and seconded by Senator Nesiba. The motion passed unanimously. Meeting adjourned at 2:35 p.m.