

Oversight Council for Improving Criminal Justice Responses for Persons with Mental Illness

Conference Call
May 11, 2020
10am-12pm

Call the Meeting to Order

Chairman Greg Sattizahn called the meeting to order at 10am.

Present

- Commissioner Cindy Heiberger
- Senator Reynold Nesiba
- Representative Linda Duba
- Representative Tim Reed
- Dr. Thomas Stange
- Terry Dosch
- Sheriff Mike Milstead
- Greg Sattizahn
- Tiffany Wolfgang
- Betsy Doyle
- Shane Penfield
- Senator Arthur Rusch

Absent

- Judge Carmen Means
- Tom Hart

Guests

- Michelle Boyd

Welcome

Mr. Sattizahn introduced the new members of the Oversight Council. Betsy Doyle, who replaced Mike Miller, is a defense attorney in Minnehaha County. Shane Penfield is the State's Attorney in Perkins County, and is replacing Chris White. Senator Arthur Rusch, a former judge and current state senator, replaced Senator Alan Solano. Ms. Wolfgang is temporarily serving the DSS position on the Council that was left vacant after Amy Iversen-Pollreis's departure. She has previously been involved with the Oversight Council's work and has worked on these efforts in the past. Each new member shared their background and professional experience.

Mr. Sattizahn briefly described the purpose of the Oversight Council, as well as the history of HB 1183 and the progress gained thus far by the Council.

Legislative Update

Mr. Terry Dosch reviewed the legislation related to mental illness that was passed during the previous legislative session. In 2019, the legislature passed [SCR 2](#) to create five taskforces to study and report sustainable improvements to the continuum of mental health services available in the state. The workgroups produced several relevant pieces of legislation.

- The [Leverage Telehealth and Telemedicine Task Force](#) produced several bills, including [HB 1005](#), [SB 1](#), and [SB 2](#). Representative Duba, who served on the committee, reported that while they had made great progress, there was still much work to be done regarding telehealth.

- [Reduce the Overall Use of Acute Mental Health Hospitalizations](#) drafted [SB 4](#) and [SB 5](#). This group was chaired by Senator Solano prior to his exit from the legislature.

Mr. Dosch also reviewed [SB 46](#), which revises provisions related to the restoration to competency of criminal defendants. The legislation came at the request of DSS, and was supported by the task force. It will be an important piece of legislation to larger counties, like Minnehaha

Another relevant bill is [HB 1090](#), which makes an appropriation to evaluate the feasibility of the use of telehealth services within the criminal justice system. HB 1090 will allow the UJS to accept a grant from the Helmsley Charitable Trust to conduct the feasibility study.

Minnehaha County Mental Health Screening Tool

Michelle Boyd, the programs and services manager from the Minnehaha County Sheriff's Office, described the county's efforts to use a mental health jail screen.

Minnehaha County was part of the original county pilot program. During the pilot, the county relied on the inmate to complete the screen. However, many individuals were not accurately filling out the forms. As part of the regular screening process the jail mental health providers conduct an intake screen, using general observations and direct evaluations to determine the individual's need and need level. By using these already existing resources, the Minnehaha county jail worked with the providers to create a release form for the inmate to sign that would allow the jail to extract information and provide it to the courts, like the individual's level of need. It is not mandatory for the inmate to sign the release form. So far, the process has been going quite well; the full impact will be better appreciated after the COVID-19 pandemic slows.

Mr. Sattizahn inquired if the Oversight Council would be able to reconcile Minnehaha's numbers for the annual report. Ms. Boyd indicated that those numbers would be available. The county was sending the data to the clerk's office to match up the data. Like the pilot, if an individual reports an immediate need, it will be coded as a "yes" for the purposes of data tracking.

Subcommittees

Mr. Sattizahn reviewed the two subcommittees that had been discussed at the previous Oversight Council meeting.

Involuntary Commitment

Mr. Sattizahn has convened a subcommittee with Speaker Steven Haugaard, Tiffany Wolfgang, Sheriff Walburg (Lake County), Tracey Dollison (Pennington County State's Attorney), Tom Weerheim (attorney, Sioux Falls), and Lucy Lewno (attorney, Yankton).

Thus far, the committee has had four phone calls, with a fifth to be scheduled in the near future. The council was having discussions with county auditors to discuss how the process can be hastened, as well as the cost implications for the county and the petitioners. Some of the discussions have been focused on what, and if, changes should be made at that level of government. So far, the subcommittee has not drafted any recommendations—there is much material to be covered. Additionally, each community executes the process differently. Mr. Sattizahn reported that he will update the Oversight Council when the subcommittee has recommendations.

Guilty but Mentally Ill

The Guilty but Mentally Ill subcommittee will study how the process is structured, and look at ways to modernize or streamline it. The plan is to study the statutes, and then make recommendations to the Oversight Council. Like many other efforts, COVID-19 has put these initiatives on hold.

Helmsley Project

HB 1090 gave UJS the authority to receive a grant from the Helmsley foundation that would pay the expense of a consultant to map out how the criminal justice system intersects with the mental health system, and how telehealth could benefit both sides.

Helmsley granted money to Avera, and the UJS is working off the progress already made. In the Avera sites, iPads that connect to the Avera eCare system are being distributed to law enforcement to use in a crisis intervention situation. Connecting to a professional will help the officer work through a volatile situation and determine next steps. So far, Brookings, Meade, Clay, Butte, Jerauld, and McPherson are in operation, and others will be added in the near future.

The goal is to make the systems work together to overcome both geographical challenges and also the mental health services gaps in the system. While Avera is taking the lead on the provider side, the organization is working very closely with the local Community Mental Health Centers.

Upcoming Summits

Similar to last year's summit, there had been plans to host another statewide summit this summer to act as a companion piece to the work with Helmsley and Avera. However, scheduling the conference has been difficult with the COVID-19 uncertainties. Prior to the pandemic, it was likely that the conference would have been held August 24. The UJS is exploring other opportunities and options if it would not be possible to host a summer or fall conference.

Public Input

Mr. Dosch wanted to remind the group that the mental health centers are still open for business, despite the difficulties imposed on them by the virus. The Community Mental Health Centers have been working hard to develop the curriculum via telehealth. He added that maybe one of the only positive consequences of the coronavirus is the fact that it will leave the mental health facilities in a position to better provide telehealth services in the long run. His organizations have been working closely with the Division of Behavioral Health, and these efforts will be residual after the virus has become less widespread. Mr. Sattizahn agreed that the virus had also pushed the courts to develop and explore new ways to conduct business and serve the public.

Representative Duba expressed her excitement as to the progress being made with telehealth delivery over iPad, and would like to see the data as soon as it becomes available.

Next Steps and Next Meeting

Mr. Sattizahn expressed his hopes that the next Oversight Council meeting would coincide with a summit, a decision that would most likely be made in the next six weeks. Mr. Dosch endorsed the idea of coupling the Oversight Council meeting with the summit. He felt that there was a value to bringing professionals together at the community level to discuss important policy decisions.

Additionally, Mr. Sattizahn would like to have a meeting at the CARE Campus in Rapid City at some point.

Adjourn

Representative Duba made a motion to adjourn, followed by Commissioner Heiberger.