

Improving Criminal Justice Responses for Persons with Mental Illness

FY 2021

In accordance with §23A-50-14(20), the fourth annual report of the Oversight Council for Improving Criminal Justice Responses for Persons with Mental Illness is hereby presented to the leaders and citizens of the state of South Dakota.

Continued Training for Law Enforcement Officers

Goal: Prevent jail admissions of people in crisis when appropriate.

123 individuals were trained in the Basic Certification Course in FY 21.

The purpose of the Basic Certification Course is to provide trainees with the basic knowledge and skills to effectively communicate and de-escalate people in crisis. In FY 2018, Law Enforcement Training increased the number of hours of crisis response training provided in its Basic Certification Course.

17 law enforcement officers received Crisis Intervention Team Training in FY 21.

A Crisis Intervention Team (CIT) is designed to improve the outcomes of police interactions with people with mental illness. Officers are trained to prevent and de-escalate crises. This training is based on the Memphis model and will certify officers as CIT trained according to SDCL 27A-10-20.

Professionals present information on mental illness as it relates to individuals with illnesses such as schizophrenia, bipolar, and PTSD, as well as adults, adolescents and elderly with mental illness. Site visits, scenario-based training, and an overview of available resources are also provided.

To date, 651 individuals have completed the SAMHSA (Substance Abuse and Mental Health Services) Safe Scenes training online.

SAMHSA Safe Scenes is an accredited, online course to help first responders assist individuals in crisis with mental illness or substance use disorder using safe, positive approaches. It helps first responders understand more about mental health, mental illness, and substance use disorders so they can better assess risks and apply the safest strategies for taking care of themselves and the individuals they are called to serve.

Crisis Response Services

Pennington County Crisis Care Center

In FY 2018, the Department of Social Services provided a one-time grant to assist Behavior Management Systems to move the County's Crisis Care Center into the newly developed Care Campus facility. During FY 2021, the Crisis Care Center served 946 individuals in crisis, with an average stay of 3.27 hours. The majority of referrals for crisis care were self-referrals, while law enforcement accounted for 25 percent of referrals.



The Link



The Sioux Empire Triage Center, known as The Link, opened on June 1, 2021 in Sioux Falls. It provides behavioral health triage and treatment services. The intent is to serve individuals in a way that will ultimately reduce jail bookings for intoxicated persons in protective custody, reduce unnecessary emergency department visits, reduce unnecessary behavioral health inpatient admissions and reduce the amount of time law enforcement needs to spend dealing with these individuals. The first client arrived seventeen minutes after the program opened, and during the first month it helped 152 people. The average length of stay for someone using The Link that first month was 2.5 days. The program is developed and funded through a partnership between the City of Sioux Falls, Minnehaha County, Avera Health, Sanford Health, and various community donors.

Approved Competency Restoration Facilities

In 2020, the legislature passed SB 46, which revises provisions related to the restoration to competency of criminal defendants. Previously, a defendant could only be restored to competency in the custody of an approved facility that had residential capabilities. SB 46 expanded the types of locations where a defendant can be restored to include inpatient, outpatient, or jail-based settings under the direction of an approved facility. Not all defendants require acute psychiatric care to be restored to competency and allowing defendants to receive restoration services in an alternate setting that meets their needs allows defendants to receive services in a timelier manner. This reduces the amount of time defendants must wait to receive competency restoration services and allows defendants who require inpatient psychiatric care timelier access to the appropriate level of care at the Human Services Center (HSC). Jail-based and community-based inpatient and outpatient restoration services were successfully provided to 17 defendants in Fiscal Year 2021, and these services will continue to expand. This legislative change was supported by the Oversight Council.

Mental Health Courts

Goal: Establish mechanisms to appropriately divert people from the criminal justice system to mental health treatment.

Mental Health Courts are an intense and specialized docket for individuals with severe mental illnesses. The goal is to divert qualifying individuals with severe and persistent mental illness from prison to a judicially supervised community-based program. Much like drug courts, participants are held accountable with frequent appearances before the judge. An interdisciplinary team headed by the judge and consisting of a prosecutor, defense attorney, case manager, and clinician follow the individual's progress and provide recommendations to the judge.

Both the Pennington and Minnehaha Mental Health Court can provide supervision for 15-20 participants. In FY 21, the Pennington Mental Health Court had 19 participants in the program, and Minnehaha had 11 participants.

Competency Evaluation Fund

Goal: Reduce wait times for competency to stand trial evaluations to decrease jail stays for people with mental illness.

In 2017, South Dakota adopted a 3-pronged approach to expedite the completion of competency to stand trial evaluations.

1. Establish a fund to reimburse counties for competency evaluations conducted locally;
2. Authorized additional professionals to conduct evaluations; and,
3. Set a 21-day timeframe for completion of competency evaluations.

In FY 2018, a fund was established through the transfer of competency evaluation funds from the Human Services Center to the Association of County Commissioners. The fund is intended to assist counties with the cost of competency evaluations conducted locally and reduce the length of jail stays while awaiting completion of these evaluations. Counties may request reimbursement from the Competency Evaluation Fund twice per year.



Minnehaha, Pennington, and Roberts sought reimbursement in FY 21.

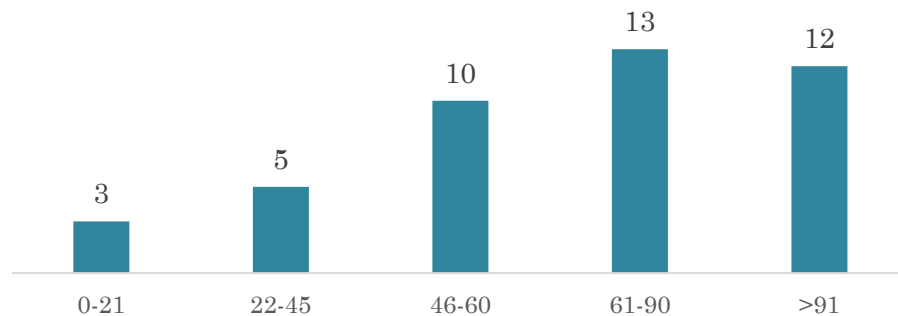
Evaluations and Evaluators

In FY 2018, South Dakota increased the number of evaluators approved to conduct competency evaluations to provide statewide coverage. Pre-reforms, there were 6 evaluators. By FY 2021, the number of evaluators increased to 33.



- Total cases with evaluation ordered: 74
- Total number of unique individuals with evaluation ordered: 51
- Continuances granted: 38
- Total evaluations completed: 43

Average Number of Days to Complete Competency Evaluations



Statewide Mental Health Training

Goal: Training efforts continue for all stakeholders. South Dakota continues to prioritize mental health training for all criminal justice stakeholders.

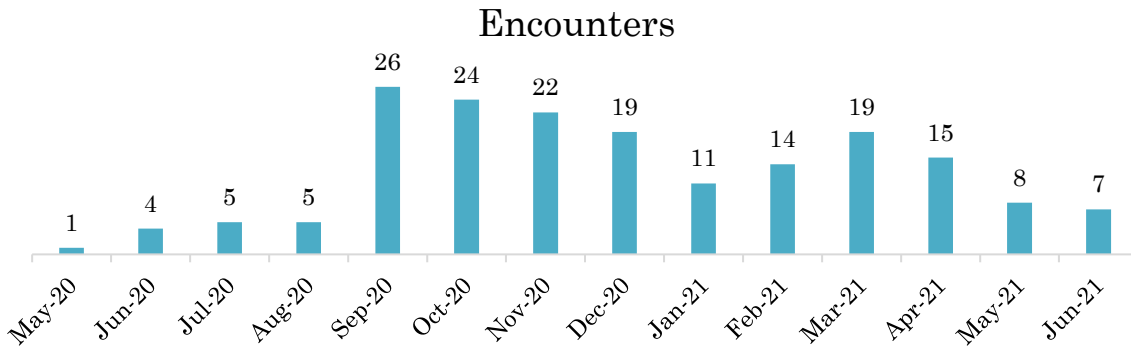
Stakeholder	Training Course	Trained in FY 21	Frequency of Training
Law Enforcement	Crisis Intervention Team Training	17	16 hours required for all new law enforcement officers
	Basic Certification Course	123	
State Prison Correctional Officers	Mental Health First Aid Crisis Intervention Team Training	216	Mental illness training required every 4 years.

In addition to training officers in Mental Health First Aid and Dialectical Behavior Therapy (DBT), the Department of Social Services also provides DBT skills training and DBT coaching to officers who work in the mental health housing units, as well as mindfulness training for Officers in Charge.

Stakeholder	Training Course	Trained in FY 21	Frequency of Training
Public Defenders	UJS Video Training Series: Attorneys Representing a Client with a Mental Illness	28	Required for all court-appointed attorneys
State's Attorneys	Building the Next Generation of Prosecutor-Led Diversion Programs		Mental illness training required every 4 years.
Judges	A Personal Guide to Building Resiliency & Coping with Change	63	Determined by the Chief Justice
	Red Road Approach to Wellness For Youth	6	
Court Service Officers	Red Road Approach to Wellness for Youth	21	Determined by the Chief Justice
	Virtual Crisis Care	142	

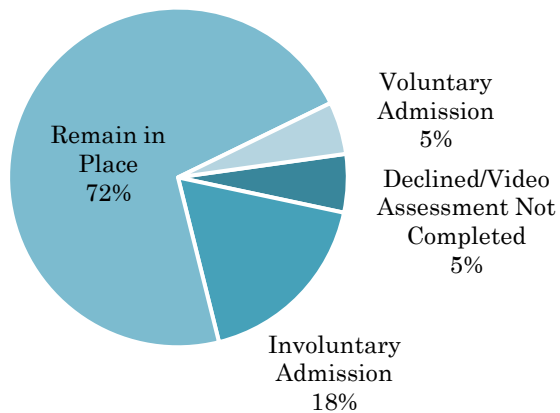
Virtual Crisis Care

Launched in May 2020, the Virtual Crisis Care program provides law enforcement with 24/7 access to behavioral health professionals who can assist in responding to people experiencing a mental health crisis. Through tablet technology, behavioral health professionals assist law enforcement officers with de-escalation, stabilization and safety assessment during a crisis situation wherever the crisis is occurring.



Since it was launched through the end of the fiscal year, 180 people were served through Virtual Crisis Care.

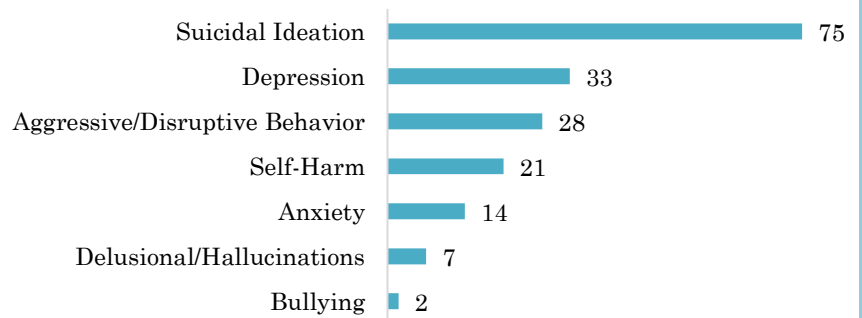
Recommended Outcome



One of the goals of Virtual Crisis Care was to avoid unnecessary involuntary commitments. Between May 2020 through June 2021, 72 percent of encounters had a recommended outcome of remaining in place.

The most common reason Virtual Crisis Care is used is for Suicidal Ideation, followed by Depression and Aggressive/Disruptive Behavior.

Nature of Request



Virtual Crisis Care is a partnership between Avera eCARE® and the South Dakota Unified Judicial System, in collaboration with local law enforcement and local mental health care providers. Pilot funding was provided by The Leona M. and Harry B. Helmsley Charitable Trust.

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