



IMPROVING

Criminal Justice Responses to Mental Illness in South Dakota



2018 Annual Report

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

Pursuant to 2017 House Bill 1183, the first annual report of the Oversight Council for Improving Criminal Justice Responses for Persons with Mental Illness is submitted to the people and leaders of South Dakota. Since the passage of HB 1183, the Oversight Council has had the privilege of collaborating with local and state leaders as we work towards improving efficiency and effectiveness in how the criminal justice system responds to individuals with mental illness.

This annual report is a compilation of the progress made on key policies in HB 1183. The initiative seeks to: improve public safety and the treatment of people with mental illness who come into contact with the criminal justice system; more effectively identify mental illness through training, screening, and expanded response and diversion options; and better allocate resources to improve early intervention services.

Successful implementation of the policies, most of which became effective in July 2017, requires the complex convergence of state and county governments, as well as the cooperation and support of the behavioral health and criminal justice systems. Even with these challenges, we have already seen:

- Mental health training rolled out to many criminal justice stakeholders across the state for the first time;

- Funding previously used by the state to conduct court ordered competency evaluations shifted to the counties, contributing to significant decreases in wait times for competency evaluations; and,
- Completion of a data collection pilot program in 7 jails to lay the groundwork for early identification and to ascertain the prevalence of possible serious mental illness in the state's jail population.

This would not have been possible without the generosity of the Helmsley Charitable Trust's support, the technical assistance of the Crime and Justice Institute and the dedication of local and state leaders across the state.

South Dakota has a long history of not shying away from complicated issues. While much work remains, the Oversight Council and local and state leaders will continue to improve how the criminal justice system responds to people with mental illness.

Respectfully submitted,



Greg Sattizahn
Chairman, Oversight Council for Improving Criminal Justice Responses to Individuals with Mental Illness
State Court Administrator

Address mental health crises early and prevent jail admissions

Challenge: Options to divert people with mental illness from the criminal justice system are statutorily authorized, but not available in all areas of the state.

New Approach: Ensure crisis intervention training is available to all parts of the state and enhance crisis response services.

TOOLS FOR LAW ENFORCEMENT

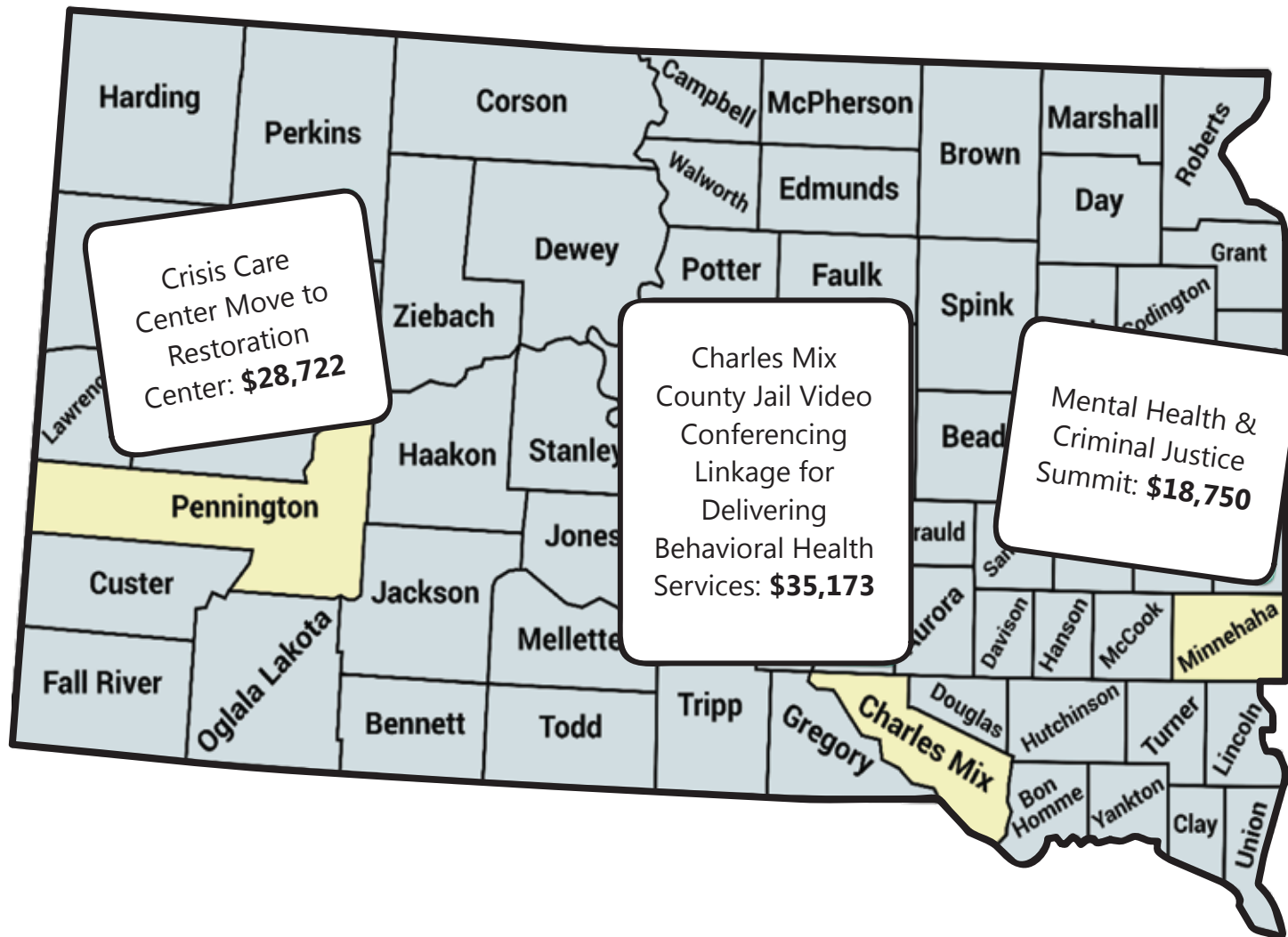
Crisis intervention training coordinator planned. A job description was developed and distributed to hire a statewide crisis intervention training coordinator to ensure statewide access to crisis response training. That position should be filled before the end of 2018 and is a key step in making these trainings an option for rural law enforcement.

Mental Health Training Options. To assist with accessibility, the South Dakota Sheriff's Association and Law Enforcement Training, in partnership with Minnesota CIT and Sheriff's Association, have laid the groundwork for the late 2018 rollout of a part-online, part in-person training. When completed, the training will meet the requirements of the Memphis Crisis Intervention Team training. The training is organized into modules so even if an officer is unable to take the full 40-hour course, she or he can benefit from 8-hour blocks of training on topics such as mental health and cultural awareness, de-escalation, conflict resolution and mediation.



CRISIS RESPONSE SERVICES

Crisis grants distributed. Department of Social Services provided one-time grants totaling \$82,000 to three communities to expand crisis response services.



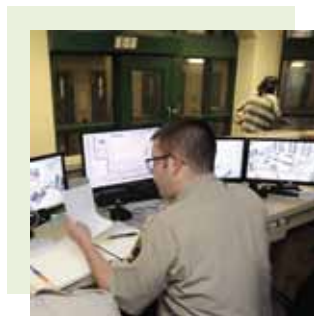
Identify mental illness early and strengthen opportunities to divert people from the criminal justice system

Challenges: The criminal justice system lacks adequate procedures to identify mental illness early once an arrest has been made. People with indicators of mental illness are more likely to be jailed pretrial and to stay longer in jail, yet jails are not equipped to address their needs. Options to divert people from the criminal justice system are limited to certain geographic areas.

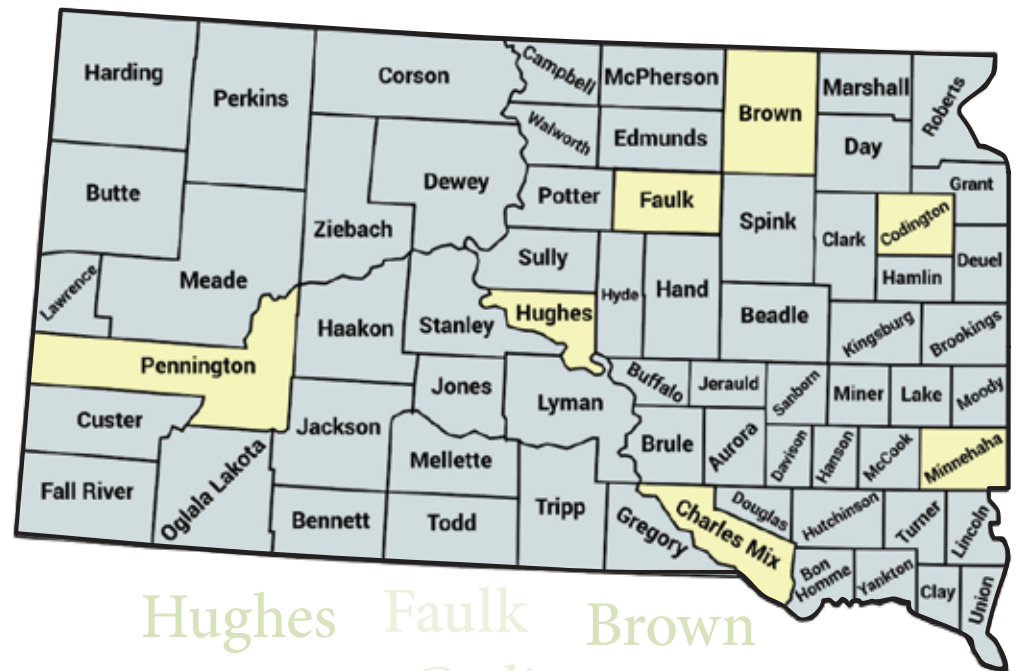
New Approach: Establish a data collection pilot program to screen people for serious mental illness when booked into jails, plan for statewide rollout of jail screening, and establish mechanisms to appropriately divert people from the criminal justice system to mental health treatment.

JAIL MENTAL HEALTH SCREENING

Seven counties volunteered to participate in a jail pilot program from February 1 to June 30, 2018. The pilot program collected data about whether individuals have indicators of serious mental illness.

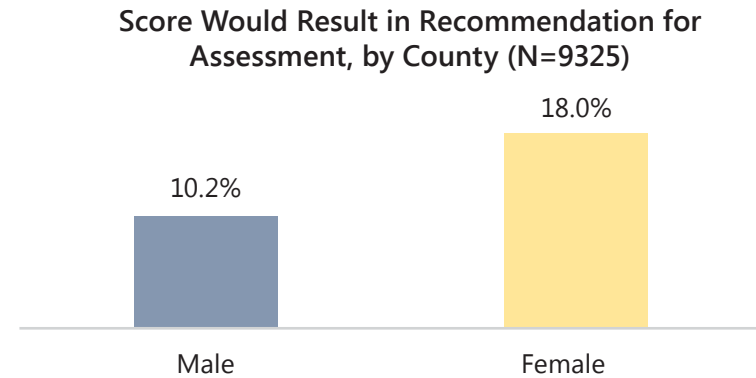
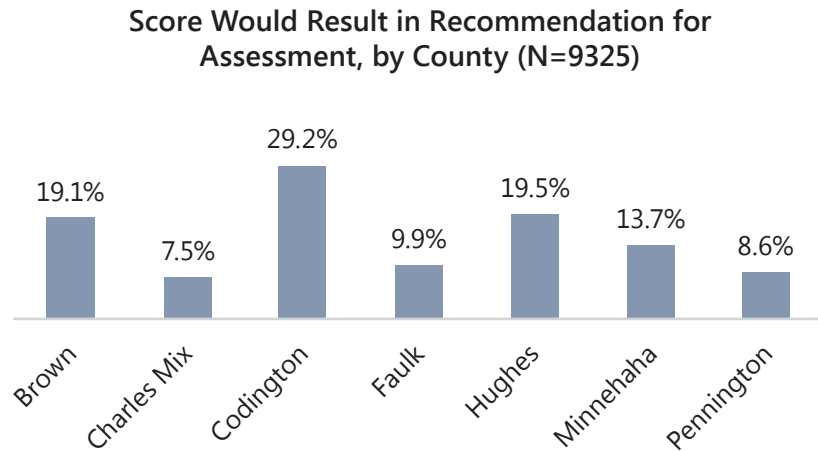


Jail Mental Health Screening Pilot Locations



Hughes Faulk Brown
Pennington Codington
Charles Mix Minnehaha

Pilot site jail screens indicated that 13 percent of individuals should be recommended for a mental health assessment.



COURT-LED DIVERSION TO TREATMENT

Mental health response team pilot identified. The Presiding Judge in the Fifth Judicial Circuit established a planning committee in Brown County to reduce re-arrests of people with serious mental illness through a team-oriented case management approach.

Mental health court funding approved. In the 2018 session, the legislature funded a mental health court in Pennington County.



Expedite the completion of competency exams to ensure speedier court processing and shorter jail stays

Challenge: Court orders regarding competency evaluations tripled in a 3-year period, while the common practice of multi-purpose evaluations and wait times for evaluations drove higher costs.

New Approach: Three-pronged approach to expediting the completion of competency to stand trial evaluations:

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

COMPETENCY EVALUATION FUND

Fund established. A fund has been 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 by expediting court processing.

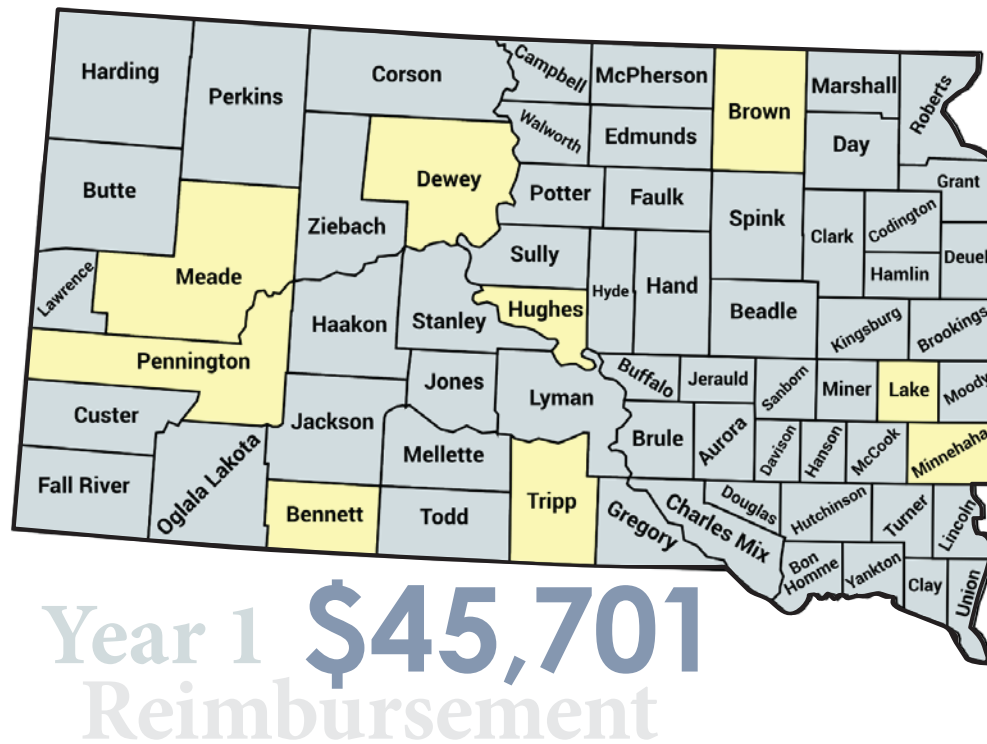


In addition to reducing defendant time spent in jail, the opportunity to use local evaluators has the added benefit of reducing law enforcement transports to Yankton, which can reduce costs and increase officer safety.

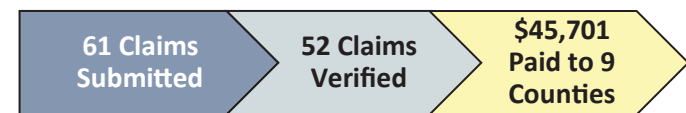
Reimbursement. Counties may request reimbursement for competency evaluations twice per year and are generally eligible for up to \$1500 per evaluation. In the first year, 61 claims were submitted and 52 were reimbursed. In the first funding cycle in 2017, nine claims were not paid because the requests for reimbursements were for evaluations other than competency or the type of evaluation could not be determined based on the submitted documentation.



Competency Fund: Counties Reimbursed in Year 1



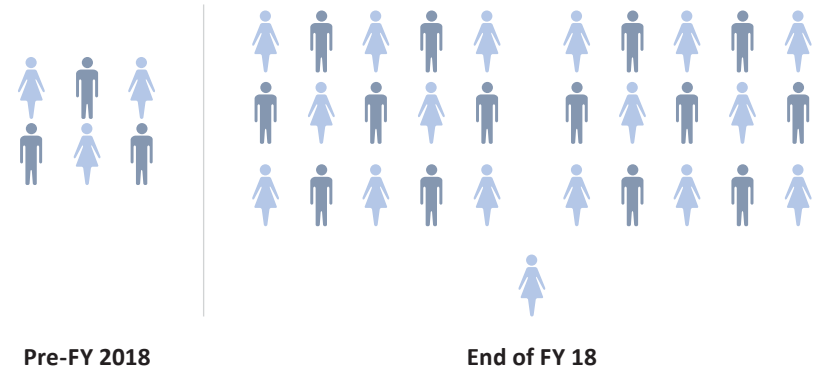
Following that initial funding cycle, the Association of County Commissioners and Unified Judicial System worked together to educate county auditors on the reimbursement process, to create standard court forms to ensure consistent data collection, and make clearer the type of evaluations being ordered by and submitted to the court. As a result, all requests for reimbursement were submitted properly and subsequently paid in the second funding cycle.



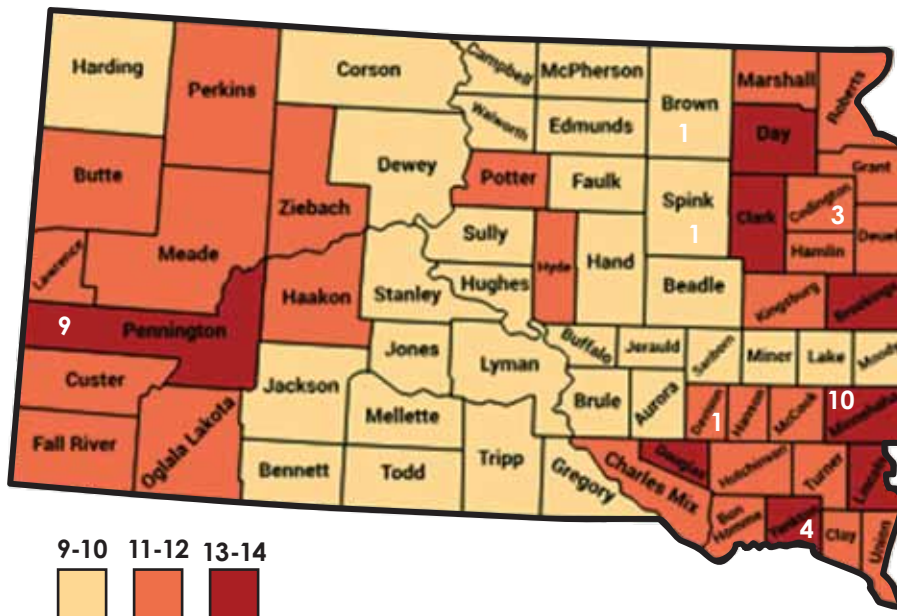
COMPETENCY EVALUATION TRAINING

More evaluators. The number of psychiatrists and psychologists available to conduct competency evaluations has grown from six known evaluators to 31 on the approved evaluator list at the end of FY 18. This list is available to the courts for consideration when ordering competency evaluations.

Growth in Number of Competency to Stand Trial Evaluators



Competency Evaluator Locations



The map shows the number of evaluators who indicated they would be willing to travel to a county to complete a competency examination. The darker colors indicate counties with more coverage, while the lighter colors indicate counties with less coverage. The numbers in white show how many evaluators are based in the county.

Note: The number of providers listed on the map does not equal the number shown above because there are two evaluators located outside South Dakota.

Training program established to expand the number of competency evaluators. Consistent with American Bar Association Criminal Justice Standards on Mental Health and other states, South Dakota authorized additional professionals, with specialized training, to conduct competency evaluations. These professionals are: certified social worker, certified nurse practitioner or clinical nurse specialist, and licensed professional counselor-mental health.

To assist the added professionals in meeting the specialized training requirement, UJS contracted with a licensed psychiatrist and competency examination training expert to develop Best Practices in Competency to Stand Trial, an online training program for the newly authorized professionals interested in becoming approved evaluators. This training went live in May 2018. Individuals from these professions will be added to the list as they complete training.



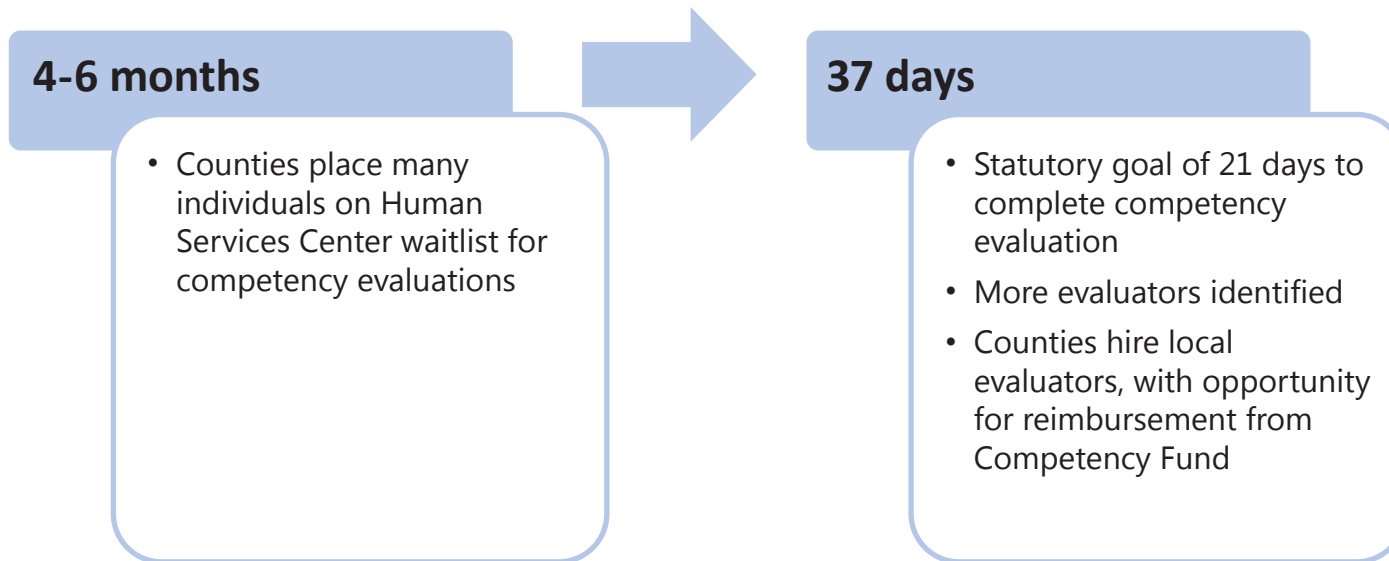
Scholarships offered. UJS awarded scholarships for ten individuals to be trained as competency evaluators who are willing to perform examinations in underserved areas.

*10 scholarships awarded
for **Best Practices in
Competency to Stand
Trial** training, ensuring
statewide coverage.*

21-DAY TIMEFRAME FOR COMPETENCY EVALUATIONS

Wait times reduced. The combination of setting a timeframe for completion, the increased availability of evaluators and the Competency Fund has led to a significant reduction in the average time between an order for competency evaluation and the completion of that evaluation.

Reduction of Wait Times for Completion of Competency to Stand Trial Evaluations



Improve access to treatment for those with mental illness in the criminal justice system through training and studying treatment options

Challenge: There were no mental health training requirements for criminal justice stakeholders, with the exception of those going through the Law Enforcement Training Academy.

New Approach: Require all criminal justice stakeholders to be trained in the recognition of the signs and symptoms of mental illness to begin to improve pathways to treatment.

MENTAL HEALTH SCREENING FOR PROBATIONERS

Court Services implemented a screening process on May 1, 2018. While not statutorily required, UJS worked with DSS to implement the Correctional Mental Health Screen (CMHS) along with a set of questions to identify probationers who may need a referral for mental health evaluation and/or treatment. The intent is to assist probationers to access needed services.

STATEWIDE MENTAL HEALTH TRAINING

Trainings identified for all stakeholders. South Dakota is the only state known to have training requirements for all criminal justice stakeholders.

Criminal Justice Stakeholder	Training Explanation	Number Trained	Frequency of Training
Law Enforcement	In August 2017, Law Enforcement Training doubled the crisis intervention training hours provided in its Basic Certification Course to 16 hours of instruction	Response to Persons in Crisis = 129	Required for all new law enforcement officers
Public Defenders	Mental health training for court appointed attorneys was offered at the State Bar of South Dakota Annual Meeting in June 2018 and online training was made available as of June 2018	Representing Clients in Criminal Proceedings with a Mental Illness = 165 UJS Video Training Series: Attorneys Representing a Client with a Mental Illness = 75	Required for all court-appointed defense attorneys
State's Attorneys	Training was held at the May 2018 State's Attorneys conference	Building the Next Generation of Prosecutor-Led Diversion Programs = 104	Mental illness training required every 4 years
Jail Corrections Officers	Training is offered online by the Substance Abuse and Mental Health Services Administration, and all jail officers were asked to complete the course by December 2018	Creating Safe Scenes = 433	Mental illness training required every 4 years
Judges	Training completed at May 2017 judges conference	Judicial Work at the Interface of Mental Health & Criminal Justice = 45	Determined by Chief Justice
State Prison Corrections Officers	DOC trained all staff and continues to train new hires	Mental Health First Aid = 1367 Dialectical Behavior Therapy = 847	Mental illness training required every 4 years
Court Services Officers	Trainings completed at CSO professional development training in April 2017 and April 2018	Trauma Responsive Court = 130 Trauma Informed Court = 125	Determined by State Court Administrator

OVERSIGHT COUNCIL MEMBERS

Greg Sattizahn, *Chair*

State Court Administrator

Amy Iverson-Pollreisz, *Vice Chair*

Department of Social Services

Mike Miller, *Vice Chair*

Minnehaha County Public Defender

Judge Carmen Means

Third Judicial Circuit

Alan Solano

State Senator

Mike Milstead

Minnehaha County Sheriff

Terry Dosch

Council of Mental Health Centers

Cindy Heiberger

Minnehaha County Commissioner

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State Senator

Dan Ahlers

State Representative

Leslie Heinemann

State Representative

Dr. Thomas Stange

Lewis & Clark Behavioral Health

A.J. Franken

Governor's Office

Chris White

Brown County State's Attorney

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