

# **GOVERNOR'S BEHAVIORAL HEALTH SERVICES PLANNING COUNCIL UPDATE**



## **JUSTICE INVOLVED YOUTH AND ADULTS – SUBCOMMITTEE REPORT**

**2023**

Report presented to:  
Governor's Behavioral Health Services Planning Council

Prepared by:

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## **INTRODUCTION**

The intersection between the behavioral health and criminal justice systems is substantial. The frequency and intensity of involvement of people with mental illness, including addictions, in the adult and juvenile justice systems remain a challenge for both state and local governments and for the victims.

The JIYA Subcommittee convenes constituents at a policy level to carry out the vision and mission with the intent to promote actions for state level change through policy recommendations and planning.

### **JUSTICE INVOLVED YOUTH AND ADULTS' SUBCOMMITTEE CHARTER**

1. Develop a strategic plan to identify goals and objectives for state-level change through policy and planning.
2. Formulate and prioritize strategies to achieve objectives of the strategic plan.
3. Implement strategies through workgroups, including timeline for completion.
5. Issue annual policy recommendations and planning to the Secretaries from the Departments for Aging and Disability Services (KDADS), Children and Families (DCF), and Corrections (KDOC).

### **VISION AND MISSION**

The vision and mission of the JIYA is as follows:

#### ***Vision***

Justice Involved Youth and Adults with behavioral health needs will achieve recovery.

#### ***Mission***

To promote a recovery-oriented system of care for individuals with behavioral health needs in or at risk for involvement in the justice system through policy recommendations and planning focused on prevention, diversion, treatment, and reentry.

## **MEMBERSHIP**

Charles Bartlett, *KDADS, Liaison to GBHSPC*

Laura Brake, *KDADS, Liaison for AOT, Stepping Up, and 988*

Carolyn Coyne, *Liaison for Stepping Up, KDADS*

Mike Brouwer, *Johnson County Criminal Justice Coordinator*

Gary Bunting, *Under Sheriff, Douglas County*

Harold Casey, *Executive Director, Substance Abuse Center of KS*

Wes Cole, *GBHSPC Chair*

Dale Coleman, *Under Sheriff, Ford County*

Clay McCarter, *Director of Special Projects, KDOC*

Letitia Ferwalt, *Johnson County DA's office*

Mike Fonkert, *Kansas Appleseed*

Jessica Harvey, *Consumer*

Jason Hess, *Executive Director, Heartland RADAC*

Ed Klumpp, *Local law enforcement*

Brandi Lane, *Johnson County Mental Health*

Bill Persinger, *Executive Director, Valeo Behavioral Health*

Usha Reddi, *Kansas State Senator, 22<sup>nd</sup> District, Manhattan, KS*

Dr. Sherrie Vaughn, Ed. D., *Executive Director, NAMI Kansas*

Susan Wallace, *Family Member*

Audra Goldsmith, *Senior Policy Analyst, Kansas Stepping Up TA Center*

Amy Campbell, *Kansas Mental Health Coalition*

## SUBCOMMITTEE AND WORKGROUP SUMMARIES

### JIYA SUMMARY INTRODUCTION

In the FY22 JIYA Report, the JIYA subcommittee adopted the following FY23 Tasks:

- JIYA members will continue to serve on the Kansas Stepping Up Technical Assistance Center Oversight Committee
- Continue to support the behavioral health **recommendations** of the Governor’s Commission on Racial Equity and Justice Task Force, the Kansas Criminal Justice Reform Commission (KCJRC), anticipating working with KDADS and/or KDOC where possible on policy development and programs.
- Assist KDADS with any short-term projects or tasks needed in support of the statewide plan referenced in this report, the aforementioned “top priorities and recommendations”, or on any other ad hoc basis deemed necessary.

In response to the FY23 Tasks, the JIYA subcommittee and its members have been actively involved serving as an oversight committee for the Kansas Stepping Up Technical Assistance (TA) Center, working closely with KDADS and/or KDOC where possible on policy development and programs, and assisting KDADS with short-term projects or tasks as needed to support the statewide plan delivered to the Legislative Division of Post Audit in May of 2020. In FY23, under Audra Goldsmith’s leadership, the Kansas Stepping Up Technical Assistance Center, implementation continues to gain significant traction across the state of Kansas. At the conclusion of FY23, approximately 97 counties participated in the TA Center. Eighteen are official Stepping Up counties with adopted resolutions of which five are Innovator Counties: Barton, Douglas, Reno, Johnson, and Shawnee.

Additional efforts to expand the Stepping Up initiative across the state have included the Kansas Department of Aging and Disability Services (KDADS) allowing the TA Center to provide technical assistance to the recipients of Block Grant COVID-19 supplemental funding. The mental health centers awarded for this grant served not only urban areas of the state, but also rural and frontier regions. This was strategic as it is well known that many counties in the more rural and frontier parts of Kansas tend to have a higher need for connection to mental health services due to scarcity of resources, including workforce, community-based services, telehealth access, and transportation options.

The TA Center supported the implementation of **jail liaison** positions to three mental health centers, Pawnee Mental Health Center, The Center for Counseling and Consultation, and Crosswinds Mental Health Center. Pawnee Mental Health Center utilized the funds to staff two new positions to provide **jail liaison services** in both Riley and Pottawatomie County jails. The Center for Counseling and Consultation supported three **jail liaison** positions spread across

Pawnee, Barton, and Rice County. Crosswinds Mental Health Center hired four new staff, three of which served as **jail liaisons** for Lyon, Osage, Morris, Greenwood, Chase, Coffee, and Wabaunsee Counties. In addition, the Criminal Justice/Mental Health Coordinator and newly hired jail liaisons at Crosswinds worked with county leaders to pass Stepping Up resolutions and begin data collection along the Stepping Up Four Key Measures in all Crosswinds counties other than Chase County. The KS Stepping Up TA Center provided technical assistance to the mental health centers and jail staff during the duration of the grant which included specially tailored webinars and peer-to-peer connection hours. Since the conclusion of the grant, the three mental health centers and law enforcement administrations have been collaborating on sustainability for the **jail liaison** positions. The duration and extent of these positions is unclear at this time and would greatly benefit from ongoing financial support.

In June 2022, The TA Center leveraged funding from the CSG Justice Center's State Initiatives team to host a regional Sequential Intercept Mapping (SIM) Summit for the western counties in the state, in partnership with our colleagues at Policy Research Associates, Inc. (PRA). This training had participants from 53 KS counties and taught attendees how to use SIM to identify service gaps that could be filled with American Rescue Plan funding as well as helped counties identify where to start with service implementation and collaborative partnerships. Due to the success of this regional summit, The TA Center worked with KDADS to secure funding to host two additional regional SIM summits held in the south and northeastern parts of the state in April and June 2023. At the conclusion of the three regional summits, each region of the state will have completed a regional SIM summit, providing KDADS and other state leadership with detailed information on the gaps in services for each of the participating counties and identification of system improvements that can be supported through local and state partnerships.

NAMI Kansas continues to support the Stepping Up Initiative through its awarded SAMHSA grant (Statewide Consumer Network) to engage people with a lived experience of mental illness and their families and friends and bring their voice to the community decision tables concerning the Kansas Stepping Up as well as various boards and committees across the state. The Incarceration Advocacy Coalition that was created under this SAMHSA grant to study incarceration of peers, continues to convene and is preparing to facilitate electronic surveys to gather data about the SMI lived experience of incarceration. The surveys have been approved by the IRB and with the assistance of Greenbush. The data gathered from the surveys will help drive the development of a plan to raise the lived experience voice of SMI to reduce future SMI incarceration rates. Additionally, NAMI Kansas has nominated numerous peers to serve on several of the subcommittees of the Governor's Behavioral Health Services Planning Council (GBHSPC), including JIYA, Evidence Based Practices, and the new Peer Subcommittee. There are also many peers now serving on various boards, statewide committees, councils, and coalitions: 3 peers on the Evidence Based Practices subcommittee, 2 on the Justice Involved Youth and Adult subcommittee, 3 peers on the LEAN (Lived Experience Advocacy Network), and 5 serving on various affiliate and state boards. Through the Edward Bern's Memorial Grant award, NAMI Kansas implemented the Justice Involved Persons program that delivers the NAMI Connection and NAMI Peer to Peer programs in three state correctional facilities (TCF, HCF, and NCF) as well as NAMI Connection in the following county jails: Butler, Riley, and Reno counties. Lastly, NAMI Kansas participated as subgrantee with KDADS on a SAMHSA

grant award to implement Assisted Outpatient Treatment (AOT) in six counties: Riley, Douglas, Ellis, Ford, Cowley, and Sumner (Sumner County funded by other means).

KDADS has been working with six community health centers and district courts to set up pilot sites for Assisted Outpatient Treatment Program (AOT). AOT is a civil outpatient treatment order (OTO) specifically for people with schizophrenia, bi-polar disorder, or schizoaffective who have a history of difficulty adhering to treatment and/or suffer from anosognosia (the inability for a person to understand and perceive their illness). In currently in year three of the grant, the AOT Program has assisted 74 participants in Douglas, Ford, Cowley, Ellis, Riley, and Sumner Counties. Currently AOT is showing a 75% reduction in hospitalizations and 85% reduction in law enforcement encounters among participants in the program. KDADS is also perusing legislation to add decompensation language to the existing outpatient treatment order statute during the 2024 Session.

Through the active work of this body and other community stakeholders and advocates, pilot programs demonstrated that **Standardized Competency to Stand Trial Evaluations and Restoration** procedures can be successful at the local level, including the local courts and community mental health centers. The first step in initiating this program statewide was completed with the passage of HB 2508 in 2022. Work remains to fully implement the modifications to the statutes. A need also remains to restore capacity at the state hospitals for this work to reduce admission waiting time for evaluation, restoration, and time in jail. Although there has been progress in the past year, the barriers to local utilization of this option remain complex. Barriers include lack of client participation and eligibility, clinical capacity, education and awareness for local courts, and access for rural and frontier county jails.

The Juvenile Justice Oversight Committee approved funding for the Juvenile Stepping Up program and is currently awaiting a contract and proposed scope of work to implement. Kansas will be the pilot site for the Juvenile Stepping Up framework.

KDOC has worked to develop the integration of peer services in state facilities, currently at Topeka Women’s Correctional Facility and El Dorado Correctional facility. Facilities have also begun to utilize peers to incarcerated persons with their substance use recovery as well as those that work alongside peers during the Reentry process.

The passing of **2023 HB 2021** creates and amends law regarding the assessment of and provision of services to children in the child welfare and juvenile justice systems; overall case length limits and community-based graduated sanctions under the Revised Kansas Juvenile Justice Code (Juvenile Code); exchange of confidential data within the juvenile justice system; and use of funds from the Evidence-based Programs Account (Account) of the State General Fund. The bill also changes the criteria used to admit youths to a juvenile crisis intervention center by adding definitions for “behavioral health crisis” and changing the phrase “mental health crisis” to “behavioral health crisis” in various statutes.

Lastly, in addition to the above FY23 Tasks and Activities, the JIYA Subcommittee members have engaged various statewide taskforces, committees, and workgroups discussions on mental health issues related to youth and adult justice systems in Kansas. The JIYA Subcommittee

recognizes that these discussions, topics, and issues raised about systems of care specific to behavioral health and how these behavioral issues connect to the justice systems for youth and adults are transformational in nature. In response to these various discussions, topics, and issues, the JIYA Subcommittee recommends the following **FY24 Priorities** and **FY24 Tasks** that can aid in these transformational issues and initiatives.

## TOP PRIORITIES & RECOMMENDATIONS

### Immediate

1. Support the continued development and funding for **988, Zero Suicide Kansas Project, and the Kansas Suicide Prevention Coalition**, including prevention/intervention strategies between state and local systems.
2. Secure new funding to provide **Behavioral Health Jail Liaison** at all CMHCs/CCBHCs due to expired grant funding.
3. Increase **peer support** in the arenas of behavioral health and justice systems, such as peer support services within correctional and community-based settings.
4. Continue to support the expansion of the **Competency to Stand Trial Evaluation and Restoration** services to reduce waiting time and address the legal challenges, delay, and system capacity issues and explore the development and cost of locally based behavioral health teams to manage and implement. Support the work and coordination between KDADS and local clinical providers concerning Mobile Competency efforts and services.
5. Continue support and training for implementation of **Assisted Outpatient Treatment (AOT)**, including review and discussion on relevant statutes and regulations (i.e., 2023 HB 2353).
6. Support community corrections (juveniles and adults) directors' request for increased funding for behavioral health grants.
7. Support of the Kansas Stepping Up and the Kansas Juvenile Stepping Up TA Center and activities.

### Longer-Term

1. Support formal behavioral health and juvenile and adult criminal justice system **collaborations**, including but not limited to:
  - a. Certified Community Behavioral Health Clinic (CCBHC) / Community Mental Health Centers (CMHC)
  - b. Stepping-Up Initiative, including ongoing contract and funding for the Technical Assistance Center such as the current contract with the Council of State Governments Justice Center (CSG Justice Center)

- c. Specialty Courts (i.e., mental health courts, veterans’ courts, and drug courts)
  - d. Multi-Branch Community of Practice by the Kansas Office of Judicial Administration (OJA)
  - e. City and county level innovations and services, including support for learning and information sharing statewide.
2. Support the implementation of **best practices** where the public behavioral healthcare system and the justice systems intersect, keeping in mind the principle of “scalability” of programming/services adaptable to frontier, rural, and urban regions/counties.

### FY 2024 TASKS

- Communicate JIYA recommendations beyond the GBHSPC
- Develop JIYA goals and actions pertaining to the three regional Sequential Intercept Mapping Summit priorities identified.
- JIYA members will continue to serve on the Kansas Stepping Up Technical Assistance Center Oversight Committee
- Continue to support the behavioral health **recommendations** of the Governor’s Commission on Racial Equity and Justice Task Force, the Kansas Criminal Justice Reform Commission (KCJRC), anticipating working with KDADS and/or KDOC where possible on policy development and programs.
- Assist KDADS with any short-term projects or tasks needed in support of the statewide plan referenced in this report, the aforementioned “top priorities and recommendations”, or on any other ad hoc basis deemed necessary.

### **SUMMARY**

In summary, the JIYA Subcommittee, through its diverse members of the subcommittee and workgroups, provides a unique avenue for members to come together to collaborate, analyze, and create recommendations for the GBHSPC. A continuing role and mission of the JIYA should be to monitor the work of other groups and make sure that important issues show up in their work. Also, our JIYA role should continue to encourage communication and coordination of the work of the various groups, as well as being a clearinghouse and a resource to the KDADS Secretary and her team as they build policy.