

# Jail-Based Competency Restoration in Douglas County Correctional Facility Workgroup Updates

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CRIMINAL JUSTICE COORDINATING COUNCIL

MARCH 12, 2024

# Presentation Agenda

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Workgroup Members and Background

Current State of Competency Restoration

- Process
- KDADS Mobile Restoration Program
- Outpatient Restoration Options from KDADS

Proposed Local Process

Implementation

# Workgroup Members

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## Co-Facilitators:

- Patrick Schmitz, CEO, Bert Nash
- Katy Fitzgerald, Criminal Justice Coordinator, Douglas County

## Bert Nash:

- Carrie Combs
- Dr. Cord Huston
- Dr. Nana Dadson
- Paul Leffingwell
- Sara Godinez

## Douglas County Sheriff's Office:

- Sheriff Jay Armbrister
- Major Gary Bunting

## Association of Community Mental Health Centers of KS:

- Andrea Diaz-Buezo

## 7<sup>th</sup> Judicial District:

- Chief Judge James McCabria

## Douglas County:

- Bob Tryanski

# Workgroup History

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Sept. 21, 2023:

- Kickoff meeting with staff from KDADS, Larned State Hospital, Association of Community Mental Health Centers of Kansas, and local partners

Since that meeting, the following meetings of either the full workgroup or small focused groups have occurred:

- October 23, 2023
- October 31, 2023
- November 3, 2023
- November 8, 2023
- November 13, 2023
- November 29, 2023
- December 4, 2023
- January 18, 2024
- February 26, 2024

# Current State of Competency Restoration in Kansas

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## Current Process of Restoring Competency:

- Evaluation is Ordered
- Incompetent to Stand Trial Determined
- Restoration of Competence Ordered
  - To be completed by Larned or its agent
- Waitlist for Larned placement, generally held in custody while waiting
  - Average wait time for Larned 14 months
  - Some defendants can be sent to OSH

## Mobile Restoration Pilot Program

- Began in Spring 2022
- Eligibility criteria limits participation

## Opportunities for Outpatient Restoration

- Definition: Competency Restoration not provided in a state hospital or state facility
- Financial Impacts: KDADS has contracted reimbursement to CMHCs/CCBHCs providing these services

# Outpatient Restoration Model Notes

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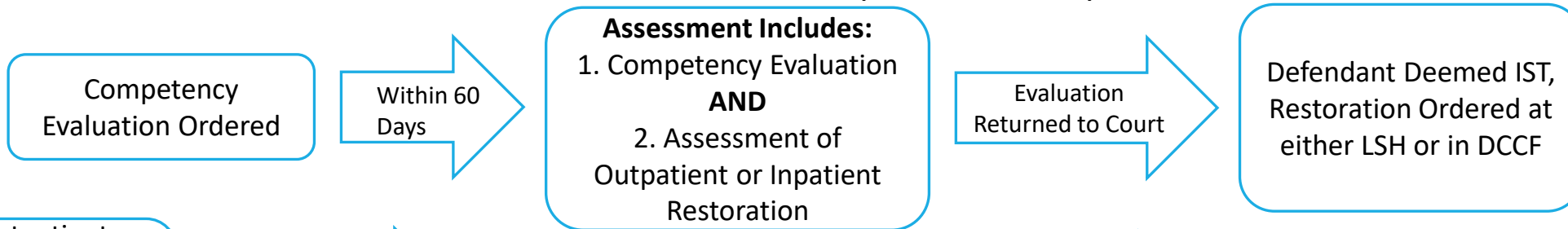
There is no model. Service delivery and program development will be specific to the resources available in each community.

Investments in Douglas County that make this possible:

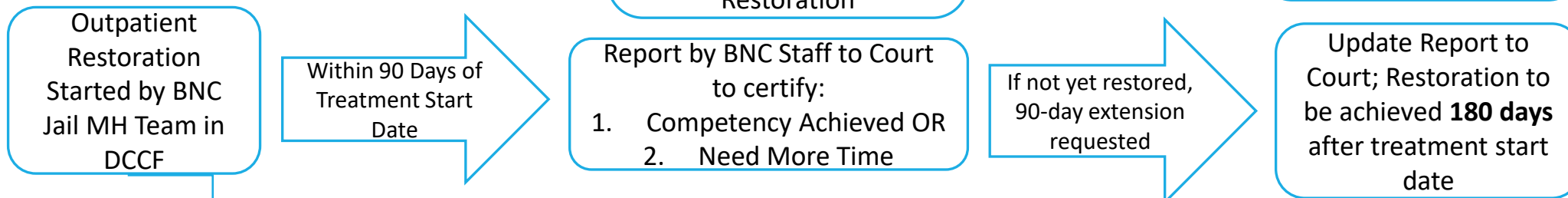
- Commitment of the Sheriff's Office to fund a team of MH clinicians in the jail
- Service array provided by CCBHC:
  - Staff of local competency evaluators
  - Staff of MH clinicians in the jail
  - Access to BNC psychiatry teams for consultations with jail's MH staff
  - Continuum of care pre and post release

## Proposed Process: Initial Evaluation Includes Assessment of Inpatient or Outpatient Restoration

Steps of Competency Evaluation and Order for Restoration:



When Outpatient Restoration is Ordered:



If Inpatient restoration needed:

At any point, within 10 days of termination of outpatient services, report indicating such submitted to Court and Larned. **Original Order Date** used to determine placement on waitlist.

When Inpatient Restoration is Ordered:



### Notes:

- If a Defendant will need inpatient restoration at Larned, their placement on the waitlist is based on the *original order date of restoration* and is not based on the date that local restoration was terminated.

- For these Defendants, the Court and Larned will need to receive a report indicating that outpatient restoration has ceased and that inpatient restoration is recommended. This report needs to be submitted within 10 days of the outpatient termination date and a new order for restoration will need to be issued by the Court.

# Medication Over Objection Process

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Court enters order for restoration

BNC Jail MH Team assesses history of or need for medication and compliance:

- If Defendant has current medication regimen and is/willing to be compliant with medication, continue medication process as is currently, with ACH providers in DCCF.
- If Defendant is ***not compliant*** with medication regimen or appears in need of medication, BNC Jail MH Team initiates referral to BNC Psychiatric staff for evaluation.

BNC Psychiatric staff assess need for medication, encourage compliance, and initiate medication over objection order, if necessary.



# Outpatient (Local) Restoration Implementation

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Proposed Program Launch Date: April 1, 2024

## Measures to Track and Monitor Impact:

- Number of Defendants Referred:
  - Outpatient Restoration
  - Inpatient Restoration
- Length of Time (For Both Inpatient Referrals and Outpatient Referrals)
  - Between Restoration Order and Treatment Start
  - In Restoration
  - In Custody
  - To Case Disposition
- Outcome of Outpatient Program (Competency Restored/Achieved, Referred to Inpatient)
- Number of Defendants who need Medication over Objection Orders
  - Adverse outcomes following Medication over Objection
- Number of Defendants who need re-evaluation of competence and additional restoration after completion of restoration
- Number of Defendants Referred Initially to Inpatient but Later Referred to Outpatient

Current list of defendants can be reviewed for consideration of participation in outpatient restoration

Stakeholder Information/Education Sessions

# Questions

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# CJCC Bylaws Workgroup Update

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DOUGLAS COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL  
MARCH 12, 2024

# Background

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## January 2024 CJCC Meeting:

- CJCC members were asked to provide feedback about the Justice Management Institute (JMI) assessment report and recommendations
- Feedback was also requested related to the formation of a workgroup to review and propose amended bylaws for the CJCC:
  - What characteristics or perspectives do you think are important for members on this workgroup to have?
  - What does success look like for this workgroup?

## February 27, 2024 Orientation/Kickoff Meeting of Workgroup:

- Reviewed and amended draft charter to guide the workgroup

## Ask of CJCC today:

- Review draft charter Purpose and Responsibilities for additional input or feedback
- Approve workgroup to begin work outlined in the charter

# Members

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Members selected from the current CJCC membership who represent the various characteristics and perspectives provided in feedback received

Sheriff Jay Armbrister	District Attorney Suzanne Valdez
Brad Finkeldei, City Commissioner	Shannon Reid, County Commissioner
Lori Alvarado, DCCCA CEO	Jessica Glendening, Chief Defender, BIDS
Doris Ricks, Community Representative	

# Purpose

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The CJCC Bylaws Review Ad Hoc Workgroup (Workgroup) of the Douglas County Criminal Justice Coordinating Council will a) review and discuss report recommendations, including the feedback provided by CJCC members throughout the JMI assessment process, b) debate and discuss appropriate revisions to the CJCC's bylaws, and c) draft bylaw revisions and submit them to the CJCC for consideration of adoption by May 31, 2024.

In making its recommendations to modify the bylaws, the workgroup must, at minimum, consider:

- CJCC structure and focus,
- Mission and vision statements,
- Composition and expectations of leadership, membership, community member and lived experience representation, and staff,
- Composition and expectations of CJCC meetings, committees, and workgroups,
- Voting procedures,
- The use of reporting, data, and research,
- The process for strategic plan development and monitoring.

In the course of its work, the workgroup shall reference National Standards for CJCCs, examples from other high-performing CJCCs, and lessons learned from various collaborative efforts in Douglas County.

# Responsibilities: Workgroup Members

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Workgroup Members agree to:

- Maintain focus on bylaws revisions that benefit the entire CJCC and the community it serves.
- Utilize the recommendations from the CJCC assessment report to guide their work.
- Adhere to the purpose outlined above and strive to reach decisions through consensus.
- Work collegially with one another and participate in respectful debate and dialogue.
- Select a chairperson to help manage the meetings and serve as workgroup spokesperson.
- Provide expertise and input from their specific discipline.
- Utilize staff support and seek assistance from other areas of expertise as needed.
- Provide feedback, commentary, and ideas promptly, in accordance with deadlines established by Workgroup members.
- Attend all meetings and prepare adequately.
- Relay and gather information to/from constituents, peers, or colleagues in a timely manner.
- Present updates to and gather feedback from the CJCC throughout the process.

# Responsibilities: Staff

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The Workgroup will be supported by the Douglas County Criminal Justice Coordinator with the assistance of staff from the JMI project team. Support Staff will:

- Schedule workgroup meetings
- Arrange logistics for meetings (Zoom links, room reservations, etc.)
- Take and disseminate meeting notes
- Prepare and disseminate meeting materials
- Coordinate tasks and assignments
- Assist with meeting facilitation
- Provide workgroup members with technical expertise, examples, best practices, guidance, and other information as needed to help the workgroup meet their goals and deliverables



# Responsibilities: CJCC Members

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CJCC Members agree to:

- Provide timely and honest feedback to Workgroup members.
- Ask questions and share feedback with Workgroup members during the process.
- Engage with Workgroup members during this process, even if not present at CJCC meetings when workgroup updates are provided.

# Questions

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