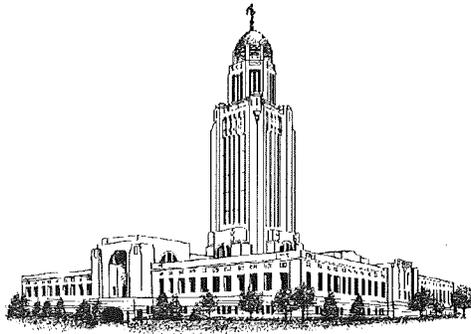


# Nebraska State Legislature

SENATOR MATT HANSEN

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## COMMITTEES

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Business and Labor  
Judiciary  
Legislature's Planning

July 25, 2018

Director Brad Johnson  
Lancaster County Department of Corrections  
3801 West O Street  
Lincoln, Nebraska 68542

RE: *LR370 - Interim study to conduct a review of issues arising from the lack of mental health treatment for those in the criminal justice system*

Director Johnson:

I have been recently focused on the issue of appropriate mental health treatment for those who are incarcerated in our jails and prisons. Related to this is the growing concern among many involved in the criminal justice system that our jails and prisons ought to be receiving mental health treatment in facilities or programs other than correctional settings.

Admittedly, the relationship between mental health and criminal behavior is complex and there is no single solution to this issue. Recently policymakers have supported the creation of mental health courts and similar programs that seek to divert or redirect those who have significant mental health issues who are better suited for treatment or programming in programs other than our jails or prisons.

I know that in 2016 Lancaster County began a program through the county's Mental Health Diversion Program which was aimed at keeping people who have serious mental issues from being involved in the court system for misdemeanor, nonviolent crimes. On June 27, 2018 the Lincoln Journal Star featured the relative success of this program, which I was glad to see.

Despite such recent efforts, there still are too many people who have significant mental health problems cannot receive treatment of the community and end up in the court system and housed in our

jails. A particular concern to me are those offenders who are determined to be not competent to stand trial but then must wait in the Lancaster County Jail until space at the Lincoln Regional Center is open for them. I have been aware of this issue for some time now, and have introduced legislation to help address it. Specifically, I introduced and passed LB259, which accelerated the procedure for filing motions for determination of competency. This past session, I introduced LB1010 which would have provided for the option of outpatient restoration at the Lincoln Regional Center, in order to free up bed space for those who are waiting for placement at the Regional Center.

I have heard that there are regularly a number of inmates who remain in the Lancaster County Jail who are determined to be not competent but who must wait for a placement in the Lincoln Regional Center. From my earlier conversations with you and other corrections experts, I know that these inmates are often some of the more challenging inmates for whom your department must manage.

To focus on the competency issue, and other matters related to the issue of mental health and those in our jails and prisons, I introduced LR 370. I have enclosed a copy of this legislative resolution. The interim study is set for public hearing on September 7, 2018 at 9:00 a.m. The purpose of this interim study hearing is really to discuss formally, on the record, various issues relating to the purposes of the interim study. I think it would be helpful to the Judiciary Committee, and to others attending the hearing, if you were to appear to testify and share some of your professional experience with those who are in your facility who suffer from mental health problems, including those who are determined to be not competent and awaiting placement at the Lincoln Regional Center.

If you have any data or statistics regarding the average length of stay of inmates who are determined to not competent until their placement at the Lincoln Regional Center; any correlation between the length of stay and the seriousness of the criminal charge(s); and the costs to your department or the county to house such inmates, I encourage you to provide this to the Committee.

As always, feel free to contact me with any questions. Thank you for your work, and consideration of this interim study.

Sincerely,

A handwritten signature in black ink that reads "Matt Hansen". The signature is written in a cursive, flowing style.

Senator Matt Hansen

ONE HUNDRED FIFTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE RESOLUTION 370**

Introduced by Hansen, 26.

PURPOSE: The purpose of this interim study is to conduct a review of issues arising from the lack of mental health treatment for those in the criminal justice system across the state and possible options for expanding services.

This study shall include, but not be limited to, an examination of the following issues:

(1) The short-term and long-term effects of housing inmates with mental health needs at county facilities, where resources are often lacking;

(2) The long wait times for openings at the Lincoln Regional Center (LRC) for defendants who have been ruled incompetent to stand trial, and the effect that has on Nebraska counties and their practice of housing those waiting for beds at the LRC; and

(3) Options for expanding treatment alternatives for defendants found incompetent to stand trial and other inmates with mental health needs, including outpatient and community treatment options and the reopening of regional centers outside Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.