

**MINUTES
TRI-COUNTY MEETING
DOUGLAS, LANCASTER AND SARPY COUNTY BOARDS
SOARING WINGS VINEYARD
17111 S. 138TH STREET
SPRINGFIELD, NE 68059
NOVEMBER 15, 2018
9:00 A.M.**

Sarpy County: Don Kelly, Gary Mixan, Jim Thompson, Jim Warren, and Brian Zuger, County Commissioners; David Klug, Sarpy County Commissioner- Elect; Dan Hoins, County Administrator; Bonnie Moore, Deputy County Attorney; Deb Houghtaling, County Clerk; Scott Bovock, Deputy County Administrator; Brian Hanson, Fiscal Administrator; Renee Lansmar, Chief Deputy County Clerk; Stu DeLeCastro, Director of Administrative Services; Lisa Haire, Administration; Megan Barrett, Administrative Communications; Bob Hillabrand, Sheriff's Office; Kalissa Holdcraft, Deputy County Attorney; and Tim Gay and Kaitlin Reece, (Sarpy County Lobbyists)

Lancaster County: Jennifer Brinkman, County Board Vice Chair; Bill Avery, Roma Amundson and Deb Schorr, County Commissioners; Kerry Eagan, Chief Administrative Officer; Kim Etherton, Community Corrections Director; Ann Ames, Deputy Administrative Officer; Dennis Meyer, Budget & Fiscal Officer; Dan Nolte, County Clerk; Leslie Brestel, Records Specialist; and Joe Kohout, Brennan Miller, Kissel Kohout ES Associates (Lancaster County Lobbyists)

Douglas County: Mike Boyle, Jim Cavanaugh, Clare Duda, Mary Ann Borgeson, Chris Rodgers, County Commissioners; Dan Esch, County Clerk; Sheri Larsen, Chief Deputy County Clerk; Patrick Bloomingdale, Chief Administrative Officer; Diane Carlson, Deputy County Administrator; Joe Lorenz, Budget & Finance Director; Marcos San Martin, Intergovernmental and Labor Relations Specialist; Catherine Hall, Assistant County Administrator; Teri Speck, Community Mental Health Center; Sherry Glasnapp, Community Mental Health Center; and Sean Kelley and Julia Plucker, Kelley Plucker LLC (Douglas County Lobbyists)

Other Attendees: Jon Cannon, NACO Deputy Director; Larry Dix, NACO Executive Director, Nebraska Association of County Officials (NACO); Vicki Maca, Region 6 Behavioral Healthcare; and Patti Jurjevich, Region 6 Behavioral Healthcare

NOTE: A copy of the Open Meetings Act was available.

1. WELCOME

Don Kelly, Sarpy County Board Chair, opened the meeting at 9:02 a.m. Introductions were given by those in attendance.

2. MENTAL HEALTH INITIATIVES

- a. Stepping Up Initiative & Sequential Intercept Mapping (SIM) - Kim Etherton, Lancaster County Community Corrections Director

Kim Etherton, Lancaster County Community Corrections Director, reviewed her presentation (Exhibit A). She said it is important to determine how to define recidivism. Etherton outlined the Bureau of Justice Assistance Grant which Lancaster County is using to help 18 to 25-year olds have a successful release by looking at housing, employment, mental health and substance abuse issues.

Brinkman entered the meeting at 9:35 a.m.

Mike Boyle, Douglas County Commissioner, asked what happens to the mentally ill person after the initial screening. Etherton said if the jail identifies an individual as a positive toxicology screen, the mental health staff in the jail will evaluate the individual and, if deemed eligible for a Community Corrections program, Community Corrections will do a more complete screening to try to get them into a program.

Deb Schorr, Lancaster County Commissioner, and Etherton discussed the statewide Stepping Up Summit in April 2019 where intercept mapping and intercept breakout sessions will be available.

- b. Region VI - Vicki Maca, Region VI Director of Criminal Justice/Behavioral Health Initiatives

Vicki Maca, Region VI Director of Criminal Justice/Behavioral Health Initiatives, gave her presentation (Exhibit B). She noted Sarpy County tracks individuals with a mental health disorder and a substance abuse disorder.

Mary Ann Borgeson, Douglas County Commissioner, said on January 17, 2019 at Bellevue University, national expert John Patrella, J.D., will be discussing data and HIPAA myths on being able to share data between criminal justice and behavioral health systems.

Schorr asked for further information on the voluntary injectables project. Maca responded it is a pilot program where Jansen Pharmaceuticals will ship the Invega injectable (long acting anti-psychotic) to the Douglas and Sarpy county jails for use only if the individual has an appointment scheduled in the community with a provider post release. A small population of individuals who were previously on WellCare Medicaid before incarceration will be eligible for the injectable as once they are released, they are most likely to be eligible for WellCare Medicaid again.

Jim Warren, Sarpy County Commissioner, reported Sarpy County established a mental health committee including members from the County Attorney, Public Defender, Corrections, and Sheriff's Offices.

Maca reviewed Sarpy County's Bureau of Justice planning grant focusing on a law enforcement project coordinator to bring all stakeholders in Sarpy County together to look at the different

law enforcement specialized models that are happening across the country. The grant also allows for a social worker to do ride-alongs with police officers to help access the needs of officers.

c. County Mental Health Programs/Efforts - All Counties

Stu DeLeCastro, Sarpy County Director of Administrative Services, stated Sarpy County needs to build a new jail. The County will build a crisis stabilization center for law enforcement to assess individuals and relate to services in the community to avoid being in the jail unnecessarily. All law enforcement and first responders will receive basic mental health first aid training. A staffing goal for Sarpy County is to have mental health critical incidence trained individuals available at all time. The training is being extended to include the jail and the 911 Center staff. Kelly added that the problem faced now is how to pay for such a center.

Sherry Glasnapp, Douglas County Community Mental Health Center Director, said the Douglas County Community Mental Health Center has added programs, many in conjunction with Douglas County Corrections, to include an intensive inpatient programs, peer support programs, substance abuse evaluations in Corrections, triage therapists, a mental health diversion program, intensive case management programs, and reasoning and rehabilitation. An individualized intensive case management program is available for 19 to 30-year-olds who have completed time within Corrections that works with them during and after their release. The newest program available is the social detox voluntary and involuntary program which serves all counties and helps to divert individuals from the Emergency Room.

Glasnapp stated some future goals are for an Advanced Practice Registered Nurse (APRN) to work with the Reentry program, for a Board of Mental Health Commitment Team, better acute care programs, better integrated medical care in the outpatient center for mental health, substance abuse and physical issues, respite and peer support for individuals, a forensic continuum of care for people with criminogenic thinking, and a Crisis Center.

Borgeson stated Douglas County is looking at embedding a mental health therapist within the 911 Center.

Regarding Lancaster County's new jail, Schorr added there is plenty of programming space but not enough video conferencing and video hearing spaces. She shared concerns about the increased female inmate population and the UNL Public Policy Center introducing legislation to allow for the involuntary medication injection of inmates while still held in the County jail. Schorr outlined the membership and purpose of the Justice Council and the American Civil Liberties Union (ACLU) bond program.

Schorr shared Lancaster County's interest in legislation supporting restoration of competency while an individual is still in the jail and described a federal grant received by Community Corrections for the reduction of recidivism of 18 to 25-year-old males.

Mike Boyle, Douglas County Commissioner, discussed Douglas County's contract with United Way to send offenders through community service in lieu of jail time, and their drug and alcohol testing program. Roma Amundson, Lancaster County Commissioner, added Lancaster County

privatized the community mental health and went to Lutheran Family Services and The Bridge Behavioral Health.

3. BREAK

The meeting recessed at 10:39 a.m. and reconvened at 11:03 a.m.

OTHER BUSINESS

Commissioners Bill Avery and Jim Thompson were recognized for their service.

4. LEGISLATIVE PACKAGE PRESENTATIONS

- a. Douglas County - Patrick Bloomingdale, Douglas County Chief Administrative Officer

Marcos San Martin, Douglas County Intergovernmental and Labor Relations Specialist, reviewed Douglas County's legislative priorities (Exhibit C). Due to LB605, approved in 2015, the population of the Douglas County jail has increased. The data is being mined to find the causes. He added the Stepping Up Initiative gives counties an innovative way to decrease jail populations and for appropriations from the Crime Commission to be received by the counties.

Patrick Bloomingdale, Douglas County Chief Administrative Officer, discussed the difficulties of a Civil Service Commission. Kerry Eagan, Lancaster County Chief Administrative Officer, stated Lancaster County has a five-member Personnel Policy Board and an interlocal agreement with the City of Lincoln for the Human Resources Department.

Boyle suggested each of the counties review their share of 911 funds received. He felt a more equitable option would be for a percentage of the funds to be distributed to the counties.

Bloomingdale voiced concern about possible diminished state aid after the passing of Medicaid expansion.

Boyle asked the lobbyists to present requests for funds back to the counties as a property tax relief bill. Jim Warren, Sarpy County Commissioner, said he would like the lobbyists to target one or two unfunded mandates.

LB1112 - Chris Rodgers, Douglas County Commissioner

Chris Rodgers, Douglas County Commissioner, reported there was a committee meeting on LB1112 (Change provisions relating to placement and detention of juveniles and permit an additional use of funds under the Community-based Juvenile Services Aid Program) and asked for Sarpy, Douglas and Lancaster counties expectations for the bill. Eagan stated Lancaster County supports the concept; however, one of the concerns is for juvenile funding for post-adjudicated youth. The community-based programs need to be developed. Jennifer Brinkman, Lancaster County Commissioner, added Lancaster County joined the Juvenile Detention Alternatives Initiative (JDAI) to create a better partnership between the different judicial areas.

b. Lancaster County - Kerry Eagan, Lancaster County Chief Administrative Officer

Eagan reviewed Lancaster County's legislative priorities and proposals (Exhibits D and E).

Borgeson asked for clarification on the statutory changes to the 24/7 Sobriety Program. Eagan replied Lancaster County does not have high participation as there are mandatory sentencing provisions that create barriers for the program. If wording were changed for interlocks and/or driving provisions while on the program, the number of participants would increase.

Bloomington stated Douglas County received \$105,000 from LB605 funding to hire a Peer Support Specialist to assist in continuity of care for mentally ill inmates. He questioned what the funding could be used for. Dennis Meyer, Lancaster County Budget and Fiscal Director, answered Lancaster County is using the funds as matching funds for new grant-funded programs at the jail.

c. Sarpy County - Tim Gay, Lobbyist and Dan Hoins, Sarpy County Administrator

Tim Gay and Kaitlin Reece, Sarpy County Lobbyists, reviewed Sarpy County's legislative priorities (Exhibit F).

Regarding expanded protections for assault on an officer to include local government correctional officers, Boyle asked what do the protections do for the correctional officers and how would mentally ill individuals be affected. Reece stated the protections mean there are enhanced penalties for those doing the assaulting. She feels mental illness should be a mitigating factor in the charge. Dan Hoins, Sarpy County Commissioner, and Borgeson gave examples where mentally ill patients could be unfairly charged.

Reece clarified Item 6 would not be written specifically for Sarpy County.

Boyle suggested Sarpy, Douglas and Lancaster Counties host lunch workgroups with State Senators to discuss the legislative priorities.

Schorr stated a reminder of the Tri-County breakfast on January 14, 2019 at the NACO offices conference room.

Inheritance Tax - Jim Thompson, Sarpy County Commissioner

No report given.

d. NACO - Larry Dix, Nebraska Association of County Officials (NACO) Director

Larry Dix, NACO Director, reported on NACO's 2019 legislative issues (Exhibit G).

Dix gave the following updates: Deb Schorr will be NACO President in 2019, NACO will have the County Board workshop in Kearney, new County Board Member training will be January 19, 2019 in North Platte and January 26, 2019 in Lincoln. There will be 100 new County Board members. There was support for a County Board legislation workshop in Lincoln with the senators.

Jim Warren, Sarpy County Commissioner, reported that business personal property tax is optional in Sarpy County. Jon Cannon, NACO Deputy Director, stated eliminating personal property tax would also affect railroads, pipelines and telecommunications.

Brinkman exited the meeting at 12:34 p.m.

Borgeson asked for Sarpy County to explain their Driving Under the Influence (DUI) diversion program. Scott Bovock, Sarpy Deputy County Administrator, said the program is under County Attorney discretion charge. He is not familiar enough with the program to know if other offenses are being diverted. He did say it costs the participant \$350, takes approximately one year to complete, and if the participant fails, they go through the regular court process.

Borgeson suggested a tri-county regional correctional facility for women.

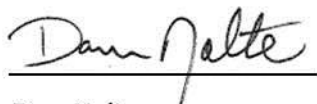
Kelly thanked Lisa Haire, Sarpy County Administration, for setting up the meeting.

5. WORKING LUNCH

See Item 4.

6. ADJOURNMENT

There being no further business, the meeting ended at 12:47 p.m.



Dan Nolte
Lancaster County Clerk



The Stepping Up Initiative

& Sequential Intercept Mapping

Stepping Up: A National Association of County Officials Initiative

- ▶ The *Stepping Up* initiative was launched in May 2015 by The Council of State Governments (CSG) Justice Center, the National Association of Counties (NACo) and the American Psychiatric Association Foundation (APA Foundation) to mobilize local, state and national leaders to achieve a measurable reduction in the number of people in jails who have mental illnesses.

Six Questions Leaders Need to Ask:

- ▶ Is our leadership committed?
- ▶ Do we conduct timely screenings and assessments?
- ▶ Do we have base line data?
- ▶ Have we conducted a comprehensive process analysis and inventory of services?
- ▶ Have we prioritized policy, practice and funding improvements?
- ▶ Do we track progress?

Four Key Measures County Leaders Should Track

- ▶ Jail Bookings
- ▶ Length of Stay
- ▶ Connections to Treatment
- ▶ Recidivism

Is our leadership committed?

- ▶ Lancaster County passed it's first Stepping Up Resolution in July, 2015.
- ▶ On May 15, 2018 County Commissioners recommitted to the *Stepping Up* initiative as they continue the push toward the goal of reducing the prevalence of people in jails who have mental illnesses.
- ▶ Boone County ,Platte County, Cuming County, Douglas, Sarpy & Otoe

Do we conduct timely screenings and assessments?

- ▶ Lancaster County Jail recently began administering the Brief Jail Mental Health Screening
- ▶ The BJMHS was developed by Policy Research Associates, Inc. with a grant from the National Institute of Justice.
- ▶ The BJMHS is an efficient mental health screen that will aid in the early identification of severe mental illness and other acute psychiatric problems during the intake process.
- ▶ <https://www.prainc.com/wp-content/uploads/2015/10/bjmhsform.pdf>

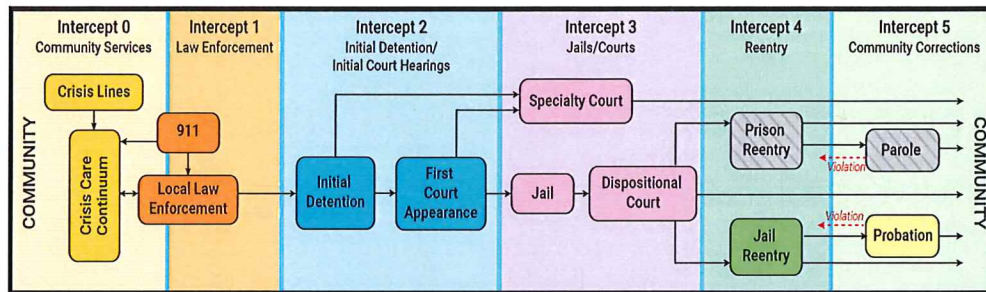
Do we have base line data?

- ▶ Jail Bookings
- ▶ Length of Stay
- ▶ Connections to Treatment
- ▶ Recidivism
 - A current focus for Lancaster County is the collection of accurate, accessible data to include access to treatment and recidivism.

Have we conducted a comprehensive process analysis and inventory of services?


- ▶ A Sequential Intercept Mapping workshop, sponsored by SAMHSA's GAINS center was conducted on June 12th and 13th
- ▶ where key players in the criminal justice and behavioral health systems were invited to examine local resources, gaps and opportunities at each criminal justice intercept point to identify alternative justice and behavioral health interventions.

Sequential Intercept Model



Recommendations from mapping session

- ▶ Develop a Frequent User of Service Coordinating Committee.
- ▶ Address the Incompetent to Stand Trial (IST) population.
- ▶ Increase and improve housing options.
- ▶ At all stages of the Sequential Intercept Model, gather data to document the processing of people with mental health and substance use disorders through the criminal justice system locally.
- ▶ Develop more formal and coordinated screening and diversion strategies for arraignment diversion (Intercept 2) and pre-plea diversion (Intercept 3).
- ▶ Expand jail reentry resources and access to medication and timely treatment upon release (intercept 4 & 5).



Region 6
Behavioral Healthcare

THE
STEPPING UP
INITIATIVE

Tri-County Retreat
November 15, 2018

Stepping Up

- Stepping Up is a national initiative (launched in 2015) supported by the National Association of Counties (NACo), the American Psychiatric Association Foundation and The Council of State Governments Justice Center
- Provide counties with the tools they need to **develop cross-systems, data-driven strategies that can lead to measurable reductions** in the number of people with mental illnesses and co-occurring disorders in jails.
- **Resolutions** supporting Stepping Up and technical support: monthly conference calls, webinars, conferences, tool kit, information/research (Douglas and Sarpy Counties Have Passed Resolutions!!!)

What We Know & What Hasn't Worked

What is Known:

- Across the nation, jails serve an estimated 2 million people with serious mental illnesses each year—almost three-quarters of whom also have substance use disorders
- Prevalence of people with serious mental illnesses in jails is three to six times higher than that of general population
- Once incarcerated, longer stays in jail
- Upon release, are at a higher risk of returning than individuals without these disorders
- Jails spend two to three times more on adults with mental illnesses that require intervention than on people without those needs, yet often do not see improvements in recidivism or recovery
- Insufficient data to identify the target population and to inform planning efforts in order to develop a system-wide response

What Hasn't Work:

- Program design and implementation is not evidence based
- Initiative is small in scale
- Impact of initiative is not tracked-no idea if impacting key measures, lack of ability to collect, analyze or report data

Region 6 Behavioral Healthcare is Stepping Up

- Local jails reporting
- Meetings occurring, difficult to sustain momentum
- Problems-solutions require full time attention
- Region 6 created position (Oct. 2017)
- Focus in all 5 counties
- Coordinate efforts between Criminal Justice and Behavioral Health systems in order to influence the 4 Key Data Measures (Stepping Up)

Stepping Up Framework

6 Questions County Leaders Need to Ask

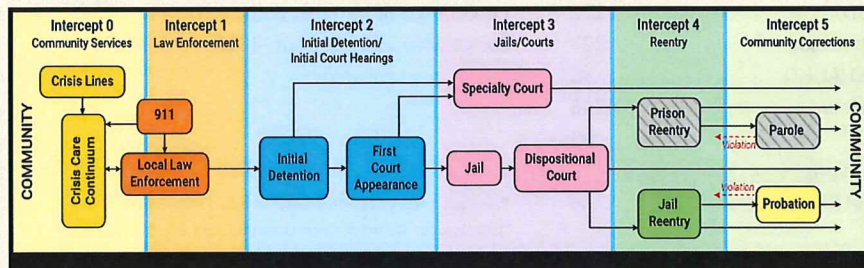
1. Is our leadership committed?
2. Do we conduct timely screening and assessments?
3. Do we have baseline data?
4. Have we conducted a comprehensive process analysis and inventory of services? (Sequential Intercept Model - mapping)
5. Have we prioritized policy, practice and funding improvements?
6. Do we track progress?

Sequential Intercept Model SIM

©Policy Research Associates, Inc.

A Strategy to Examine Treatment and Service Capacity

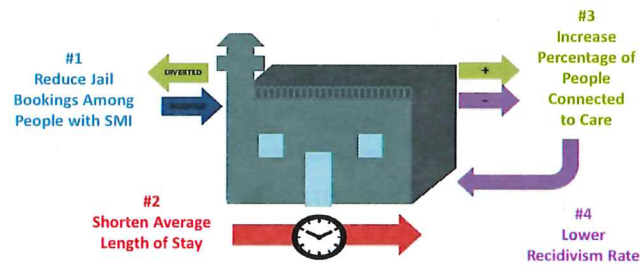
Law Enforcement Agencies, Judges, County Attorneys, Public Defenders, Corrections, Mental Health Diversion, Pretrial, Probation, Mental Health and Addiction Treatment Providers, Behavioral Health Service Providers, Human Services, Hospitals and Community Healthcare Providers, Housing, County Administrators, Regional Behavioral Health Authority



Stepping Up Framework

4 Key Measures Baseline Data- Consistently Review

Prevalence of Mental Illness in Jails as a Function of 4 Key Measures



Douglas County Jail

Capacity 1453

Sept. 2018

Total # of Mental Health Diagnoses

Schizophrenia*	80
Schizoaffective*	29
Psychosis NOS*	49
Bipolar*	179
PTSD	122
Depression	227
ADD/ADHD	38
Anxiety	246
OCD	05
Adjustment	170
Total Diagnosis	1134

Average Daily Population in June:	1278
Inmates Diagnosed with a MHD:	908
# of Diagnoses per Inmate:	1.26
Percentage of Inmates with MHD:	71%
Range May 2017 to Sept. 2018	48-73%

* Serious and Persistent Mental Illness (34%) 337/908
Data Source: Board of Corrections Report; 23, October 2018

Douglas County SIM

November 2017

Top Priorities For Change Identified Through Voting Process

1. Increase the utilization of mobile crisis and addition of co-responder model (16 votes). 1 FTE Therapist in SW Precinct and Peer Specialist at OPD Headquarters, recently added .5 FTE NW Precinct-OPD
2. Coordinate and expedite court processes from arraignment to the next court appearance (12 votes).
3. Timely medication management appointments upon discharge from corrections (12 votes). Medication Workgroup
4. Forensic unit and continuum of forensic services for persons with mental illness and violence (11 votes).
5. Create a specialized psychiatric emergency department (10 votes). Rethinking model-location
6. Coordinate release/discharge processes from jail (10 votes). Data/Information Sharing Workgroup

7. Increase public awareness of Intercept O resources (7 votes).
8. Increase utilization of peer support staff across Intercepts (5 votes).
9. Create easier access to residential treatment and other community-based program for people in jail (5 votes).
10. Increase capacity for community case management and in-reach into jail (4 votes).
11. Increase housing options for justice-involved persons with behavioral health issues (4 votes).
12. Improve cross-training, as well as a model of coordination/communication between law enforcement, mobile crisis, the VA, etc. (3 votes). Data/Information Sharing Workgroup
13. More diversion from arrest to treatment-Intercepts 0 and 1 (1 vote).
14. Create community access to mobile crisis (1 vote).
15. Greater buy-in amongst public officials to invest in services instead of incarceration (1 vote). Data/Information Sharing Workgroup to include Familiar Faces Project
16. Mission-specific housing within correctional facilities (0 votes).

Work Groups & Progress to Date

Douglas County

Screening and Assessment/Data Measures Workgroup

- Mapped out screening and assessment processes at jail
- Identified data definitions for the 4 Key Measures
- Collection of baseline data and consistent data reports for each of the measures
- Collection of baseline data for competency evaluations and restorative treatment

Comprehensive Psychiatric Evaluations

- Residents supervised to complete evaluations at the jail for inmates with the most complicated behavioral health needs.

Medication Workgroup

- Corrections, Wellcare-MCO, Public Defender, County Attorney & Region 6
- Developing proposal for a pilot-voluntary population benefit from injectable medication/no cost while incarcerated; partnership with pharmaceutical company

Data and Information Sharing Workgroup

- Representatives from Douglas and Sarpy Counties, chaired by Region 6 Director of Quality Improvement
- Examine successful practices utilized in other counties; allow sharing of critical data/information between CJ-BH systems; includes Familiar Faces Project
- Region 6 facilitating conference with national expert John Petrila, J.D. "Dispelling HIPAA Myths" 1-17-19 in Omaha

CJ-BH Planning Collaborative NEW

- Dec. 13th Kick Off Meeting: County Attorney, Public Defender, Corrections, Law Enforcement x2, DCCMHC & Region 6
- Use baseline data and SIM Priorities to identify top 3 priority outcomes, develop and implement strategies, review/monitor data

Sarpy County Jail

Capacity 148

Month of August

Total # of Mental Health Disorder Diagnoses

Schizophrenia*	01
Schizoaffective*	00
Psychosis NOS*	04
Bipolar*	05
Depression	04
ADD/ADHD	00
PTSD	07
Anxiety	07
OCD	00
Adjustment	16
<u>Other</u>	<u>14</u>
Total Diagnosis	58

Average Daily Population in August:	165
Inmates Diagnosed with a MHD:	58
Percentage of Inmates with MHD:	35%
Inmates with Co-Occurring Disorder:	61
Percentage of Inmates with CoD	37%

* Serious and Persistent Mental Illness (17%)10/58

Data Source: Board of Corrections Report; 12, Sept. 2018

Sarpy County SIM

Top Priorities For Change Identified Through Voting Process

1. Creation of a crisis stabilization center located within and utilized by Sarpy County law enforcement agencies (priority) accompanied by a single point of entry line/triage service (23 votes). [Workgroup established, chaired by Region 6 and Sarpy Co.](#)
2. Transportation (12 votes).
3. Implement the utilization of virtual/telehealth crisis response services for jail staff and law enforcement officers in the field (11 votes). [Exploring potential pilot with Cass Co. Jail](#)
4. Utilization of mobile crisis response staff as a resource to provide assessments to hospitals in Sarpy County (10 votes).
5. Provide sufficient medications to persons at the point of reentry from the jail to the community, as well as access to medication management and follow-up services in the community in a timely manner (9 votes). [Workgroup established](#)
6. Improve data collection and data sharing to identify familiar faces for improved outcomes (9 votes). [Workgroup established \(Douglas and Sarpy Counties combined\).](#)

7. Expand space in the jail for needed programming and services (8 votes). *Sarpy Co. Leadership*
8. Utilize data as a tool to access needed funding for services, treatment, and support (7 votes).
9. Expand and increase in-reach services and programs to provide services in the jail at Intercept 3 (7 votes). *Workgroup established*
10. Create a systematic assessment of an individual's social determinants of health prior to reentry, inclusive of familiar and social supports, housing, transportation, income, etc. (6 votes).
11. Add the use of peer support services across all six Intercepts (4 votes).
12. Identify safe and reasonable housing for justice-involved individuals including those with sex offenses (4 votes).
13. Provide mental health and/or Crisis Intervention Team (CIT) training for 911 and a subsequent linkage to CIT officers (3 votes). *BJA Grant-Mental Health Planning Collaborative, Sarpy Co. Sheriff-Law Enforcement Project Coordinator*
14. Create a short-term detox center (3 votes).
15. Embed a mental health clinicians(s) within Sarpy County urgent care clinics (1 vote).

Work Groups & Progress to Date

Sarpy County

SIM Workgroups

- Crisis Stabilization (PES)
- Medications from jail and med. mgmt. appointments in community post-release
- Data Collection/Data Sharing
- Expand and increase in-reach opportunities in the jail "Help John Workgroup"

CJ-BH Leadership Team Meeting

- Monthly meeting with Corrections, County Attorneys, Public Defenders, Mental Health Diversion, Pretrial, Co. Human Services, Sheriff, Region 6
- Baseline data; collecting and reviewing
- Use baseline data and SIM Priorities to identify top 3 priority outcomes, develop and implement strategies, review/monitor data

Questions?

**1st Annual
NE Stepping Up Summit
April 17th, 2019
More to Come!**



For More Information

- <https://stepuptogether.org/>

Vicki Maca, LCSW, LMHP | Director of Criminal Justice
& Behavioral Health Initiatives

Region 6 Behavioral Healthcare

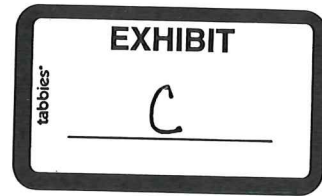
4715 South 132nd Street, Omaha, NE 68137

OFFICE: 402.591-5010 | CELL: 531-444-8615

FAX: 402.444.7722

DRAFT FOR TRI-COUNTY DISCUSSION 11/15

BOARD OF COUNTY COMMISSIONERS DOUGLAS COUNTY, NEBRASKA 2019 LEGISLATIVE AGENDA PRIORITIES



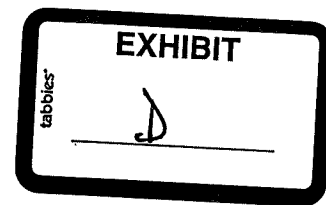
REQUESTED BILL INTRODUCTIONS

1. SUPPORT criminal justice reform, address rising jail costs and legislation to mitigate the fiscal impact to county jails as of result of LB605-Mello, 104th.
2. SUPPORT the elimination of a 'Civil Service Commission'; repeal Neb. Rev. Stat. §23-2503 through §23-2516, or the appropriate section(s), to eliminate the requirement that any county having a population of four hundred thousand inhabitants or more have a 'Civil Service Commission' and replace with a civil service structure similar to that of Lancaster County and Sarpy County.

STANDING SUPPORT

1. SUPPORT the elimination of unfunded/underfunded mandates on Counties by the State; examples: eliminate the responsibility of counties to pay for state office space(s) [proposed LB61-Bolz, 104th; LB427-Groene, 104th; LB567-Bolz, 105th].
2. SUPPORT counties to share proportionally in the automotive sales tax revenue collected by County Treasurers [proposed LB391-Crawford, 104th; LB531-Harr, 105th].
3. SUPPORT a legislative initiative to revise the 'Revenue and Taxation' sections §§77-201 through 77-212, or appropriate section, to revise the "Greenbelt designation" exemption provisions to more clearly define what types of property should qualify for 'Greenbelt' and to narrow the definition of 'Greenbelt' [proposed LB1104-Friesen, 105th].
4. SUPPORT a legislative effort to revise §71-919, or the appropriate section, to allow qualified mental health practitioners/professionals the ability to initiate an emergency protective custody action allowed under law, where there is probable cause to believe that a person is mentally ill and dangerous [proposed LB964-McDonnell, 105th].
5. SUPPORT a legislative effort to allow for the transport across state lines of mentally ill individuals held under an emergency protective custody action, in order to deliver/return the individual to their home county of residence for medical treatment and/or into law enforcement custody [proposed LB680-Krist, 105th].

2019 LANCASTER COUNTY LEGISLATIVE PRIORITIES



1. **Allow Outpatient Treatment for Restoration of Competency to Stand Trial**

Pursuant to Neb. Rev. Stat. §29-1823, criminal defendants found mentally incompetent to stand trial must be sent to the Lincoln Regional Center for treatment to remove the disability and restore competency. Allowing for outpatient treatment in appropriate cases could help reduce the County's jail population; and also help reduce overcrowding at the Lincoln Regional Center.

2. **Statutory Changes to Implement Statewide 24/7 Sobriety Program**

The 24/7 Sobriety Program has been successfully used in other states to reduce recidivism for alcohol-related offenses such as driving under the influence. Lancaster County is in the process of establishing a 24/7 program under the supervision of the County's Community Corrections Department. Statutory changes are needed to mandatory sentencing and drivers license provisions to provide incentives for participants to actively participate and complete the program.

3. **Allow financing of County Bridges under Neb. Rev. Stat. §23-120(3)(b)**

The number of structurally deficient county bridges in Nebraska is increasing at an alarming rate. Amending Neb. Rev. Stat. §23-120(3)(b) to include county bridges could provide a steady source of revenue to address this public safety issue.

4. **Require the State to Pay for Medical Care Provided to Inmates Granted Medical Parole**

Neb. Rev. Stat. §83-1,110.02 allows Committed offenders, not under a sentence of death or life in prison, to be granted medical parole if they become terminally ill or permanently incapacitated. The cost of caring for these individuals can be very expensive, and the burden often falls to General Assistance. The State should be required to pay the medical expenses of all committed offenders while they are on medical parole.

5. **Clarify Licensure Requirements for Facilities Providing Civil Protective Services Pursuant to Neb. Rev. Stat. §53-1,121**

For many years law enforcement agencies in Lancaster County have utilized The Bridge to house individuals removed from public places under the civil protective custody (CPC) procedures authorized under §53-1,121. Recent changes to the interpretation of regulations governing the licensure of facilities providing CPC services have jeopardized the ability of The Bridge to serve CPC individuals in a licensed facility. Legislation is necessary to clarify licensure requirements for CPC facilities.

6. **Statutory Amendments to Increase Efficiency in the Management of County Real Property**

A. Amend Neb. Rev. Stat. §23-174.03 to provide that property dedicated to public use in plats is acquired by the County in fee simple. This language already exists for plats filed within the zoning jurisdiction of a City of the primary class; and should be extended to Lancaster County.

B. Allow counties to sell County-owned real property directly to other governmental entities. Under existing statutory authority, a county can only sell its real property when: (1) it is found to be surplus and sold at a public sale pursuant to Neb. Rev. Stat. §23-107.01; or (2) in conjunction with the exercise of its human services powers under Neb. Rev. Stat. §23-104.03. Neither of these procedures should apply in the situation where another governmental entity wants to purchase real estate owned by a county. Counties should be given the same authority as municipalities to sell real property directly to another governmental entity.

Standing Priorities

1. Property Tax Relief

Property tax relief continues to be the top legislative priority for Lancaster County.

Pressure on the property tax can be reduced by eliminating unfunded mandates which primarily benefit the State, including the obligation of counties to pay rent for certain Health and Human Services facilities under Neb. Rev. Stat. §68-130. Another way to reduce reliance on the property tax is to diversify county revenue sources. Potential new revenue sources for counties could include:

- Tobacco tax increase
- Occupation tax on wineries
- Remove sales tax exemption on soda, energy drinks, and candy, and earmark the proceeds for property tax relief
- Increase statutory fees to keep pace with the cost of the service being provided

2. Funding for Adult Criminal Justice System Reform

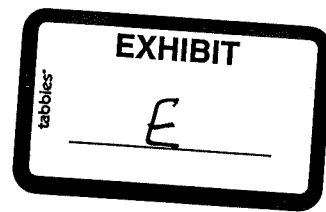
Lancaster County's jail population and probation housing costs have increased as a direct result of 2015 Neb. Laws LB 605. Funding for the County Justice Reinvestment Grant Program created under LB 605 should be maintained or increased to help offset these additional costs.

3. Funding for Juvenile Justice Reform

Juvenile justice reform under 2013 Neb. Laws LB 561 is not being adequately funded. With the passage of 2018 Neb. Laws LB 1112, adequate funding becomes even more critical. Additional funding should be appropriated for community-based post adjudication services, and existing funding levels for the Juvenile Justice Community Based Aid Program should be maintained or increased.

4. Funding for Aquatic Invasive Species under 2016 Neb. Laws LB 1038

The Legislature appropriated \$1 million in 2016 for treatment of invasive species on or near the waters of the State. Funding was reduced in 2016 and 2017. Full funding under LB 1038 should be restored to help meet the State's responsibility to treat invasive species impacting the waters of the State.



**LANCASTER COUNTY LEGISLATIVE PROPOSALS
2019 SESSION**

**INTRODUCTION
Summary of 2018 Session**

Property tax relief is a standing priority for Lancaster County. During the 2018 session various property tax relief Bills were introduced, including LB 947 by Senator Smith and supported by Governor Ricketts, and LB 1103, which incorporated property tax relief proposals from other Bills. Neither Bill gained enough support for passage. Going into the next legislative biennium property tax relief will again be a top concern. Lancaster County will continue to monitor these discussions and support tax policies which help reduce the burden on our property tax payers. (See Attachment A for a list of property-tax funded services provided to the State of Nebraska by Lancaster County).

Lancaster County achieved a legislative goal in 2018 with the passage of LB 1098, which raised the purchasing thresholds under The County Purchasing Act. The old thresholds were established in 2003. Since that time technology has increased the efficiency of the purchasing process, and the cost of goods and services has increased significantly. The formal bidding process is expensive and time consuming. Increasing the thresholds will help expedite the procurement process and reserve formal bidding for larger purchases for which it is designed.

LB 776 is another legislative success for the County. As originally drafted, LB 776 would have prohibited counties from accepting or receiving revenue exceeding the reasonable operating costs for establishing and administering a telephone or videoconferencing system for inmates. The potential impact on Lancaster County was the loss of nearly \$400,000 of revenue per year, all of which is used for the benefit of inmates. The County's proposal to adopt Federal Communications Commission (FCC) cap rates for inmate phone calls was incorporated into the final version of LB 776, thereby preserving this revenue source for inmate programs.

In the area of juvenile justice, the passage of LB 1112 could be helpful to Lancaster County. This Bill was incorporated into LB 670 by AM 2875. Referred to as the JDAI Bill (Juvenile Detention Alternatives Initiative), LB 1112 places restrictions on the detention of juveniles. It also allows funding received under the Community-Based Juvenile Services Aid Program to be used on a one-time basis for the construction of facilities used as an alternative to detention. However, LB 1112 deleted language which allowed a juvenile to be held when detention is a matter of immediate and urgent necessity for the protection of the juvenile. County officials have expressed concern for the safety and well-being of vulnerable juveniles for whom placements in community programs are not available. This portion of LB 1112 goes into effect July 1, 2019. The County intends to introduce statutory language to address this concern.

Another juvenile justice Bill of interest to the County is LB 870, which addresses the use of room confinement in juvenile detention facilities. Although LB 870 was killed at the end of

the session, it is likely to be reintroduced in 2019. The County worked closely with Senator Panzing Brooks on LB 870 during the 2018 session, and will continue to do so in the next session.

Regarding the adult justice system, Senator Matt Hansen introduced LB 1010 in 2018 to authorize outpatient treatment to restore competency to stand trial, a priority for Lancaster County. Although the Bill did not get out of committee, it did bring attention to the issue of mentally ill persons being held in jail, often without adequate treatment, while awaiting placement at a State facility. The County will continue to pursue this legislative priority in 2019. Senator Hansen has followed up this year with LR 370, which will study the effects of housing inmates with mental illness in county facilities. Lancaster County will testify at LR 370 and then work with Senator Hansen to pursue appropriate legislation.

LB 977 is another 2018 adult criminal justice Bill of interest to the County. Neb. Rev. Stat. §28-105(1) mandates nine months of post-release supervision for Class IV felonies. LB 977 died at the end of the session. It would have amended §28-105(1) to make post-release supervision for Class IV felonies discretionary with the trial judge. The County's jail population has seen a substantial increase in the number of inmates serving jail time for the violation of post-release conditions for Class IV felonies. Making post-release supervision discretionary with the trial judge could help reverse this trend.

Also in the adult justice area, the County will continue to work on legislative changes needed to fully implement the 24/7 sobriety program. Changes are needed to mandatory DUI sentencing and driver's license provisions, including the easing of interlock requirements for participants in the 24/7 program.

NEW PROPOSALS

1. Amend Neb. Rev. Stat. §23-174.03 to Provide Property Dedicated to Public Use in Plats is Acquired by the County in Fee Simple

The subdivision of land under the zoning jurisdiction of Lancaster County is governed by §23-174.03. It is the policy of the County to acquire land used for right-of-way purposes in fee simple. This section does not specify how the County holds title when property in plats is dedicated for streets and other public purposes. §23-174.03 should be amended to include the following language:

The plat shall, after being filed with the register of deeds, be equivalent to a deed in **fee simple** absolute to the county, from the proprietor, of all streets, all public ways, squares, parks, and commons, and such portion

of the land as is therein set apart for public use or dedicated to charitable, religious, or educational purposes.

This is the same language found in Neb. Rev. Stat. §15-106 for a city of the primary class.

2. Allow Counties to Sell Real Property Directly to Other Governmental Entities

On several occasions Lancaster County has received requests from other governmental entities to purchase real property owned by the County. However, the statutory authority of counties to sell county-owned real property is limited to the sale of surplus property under the procedures set forth under Neb. Rev. Stat. §23-107.01, or in conjunction with the exercise of human services powers under Neb. Rev. Stat. §23-104.03. In the past, the County has required the governmental entity seeking to purchase County land to initiate eminent domain proceedings, thereby enabling the County to negotiate directly with that entity for the sale of the land in question. In contrast, municipalities have the authority to sell real property directly to other governmental entities. This authority should be extended to counties.

3. Require the State to Pay for Medical Care Provided to Inmates Granted Medical Parole

Neb. Rev. Stat. §83-1,110.02 allows committed offenders, not under a sentence of death or life in prison, to be granted medical parole if they become terminally ill or permanently incapacitated. The cost of caring for these individuals can be very expensive, and the burden often falls to General Assistance. Although Lancaster County requires all General Assistance clients to apply for Medicaid, it is not unusual for a terminally ill client to die before being approved for Medicaid. In this situation the County will not be reimbursed for providing General Assistance for medical parolees. The State should be required to pay the medical expenses of all committed offenders while they are on medical parole.

4. Make Texting/Emailing a Primary Criminal Offense

Under Neb. Rev. Stat. §60-6,179.01(4) the criminal offense of reading, writing or sending a written communication while operating a motor vehicle which is motion can only be enforced "...as a secondary action when a driver of a motor vehicle has been cited or charged with a traffic violation or some other offense." Nebraska is one of only a few states which don't enforce this conduct as a primary offense. Texting or emailing while operating a moving motor vehicle is a serious problem which jeopardizes the safety of the traveling public, and should be enforceable as a primary offense.

5. Clarify Licensure Requirements for Facilities Providing Civil Protective Services Pursuant to Neb. Rev. Stat. §53-1,121

For many years law enforcement agencies in Lancaster County have utilized The Bridge to house individuals removed from public places under the civil protective custody (CPC) procedures authorized under §53-1,121. Recent changes to the interpretation of regulations governing the licensure of facilities providing CPC services have jeopardized the ability of The Bridge to serve CPC individuals in a licensed facility. Legislation is necessary to clarify licensure requirements for CPC facilities.

6. Review County Elected Positions

A review of existing county elected positions should be conducted by the Legislature to determine whether the positions should be elected, or whether the public would be better served if the positions were appointed by the county board.

7. Remove Fishing License, Park Permit, and Hunting License Violations from the Juvenile Justice System

In 2016 Neb. Rev. Stat. §43-247 was amended to require all misdemeanor charges against juveniles to be filed in juvenile court. Before this change, juveniles could simply pay a fine in adult court for violations of statutes governing fishing, hunting, use of state parks, etc. Since these offenses must now be filed in juvenile court, many of these youth now become involved in the juvenile justice system and are being placed into juvenile diversion programs. This ties up juvenile court resources and may remove diversion as an option for youth who have subsequent involvement with the juvenile courts. A legislative solution is needed to more appropriately address these offenses.

8. Public Defender Proposals

The Lancaster County Public Defender has identified the following list of potential Legislative changes:

- a. Outpatient restoration of competency to stand trial;
- b. End money bond;
- c. Reduce possession of controlled substance residue to a misdemeanor;
- d. Legalize marijuana;
- e. Authorize 24/7 driving permits; and
- f. Pre-trial diversion for DUI's.

See Attachment B for a more thorough discussion of these proposals.

EXISTING PROPOSALS

1. **Appointed Counsel Costs**

For many years Lancaster County has struggled with the escalating cost of court appointed counsel. In 2011 the Lancaster County Indigent Defense Advisory Committee undertook a complete review of the issue. The Committee made a number of recommendations, including the following legislative proposals:

- a. Restrict the right to appointed counsel in juvenile court cases for non-custodial parents who do not have charges filed against them;
- b. Examine low-level misdemeanors to determine which offenses could be reduced to infractions which do not carry jail time;
- c. Amend Neb. Rev. Stat. §29-3604 to allow diversion for driving under the influence cases;
- d. Expand the State contribution for indigent defense, including more funding for the Commission on Public Advocacy; and
- e. Increase the indigent defense fee under Neb. Rev. Stat. §33-156.

2. **Amend Neb. Rev. Stat. §13-906 to Require Strict Compliance with Six-Month Waiting Period**

§13-906 provides that no suit shall be permitted under the Political Subdivisions Tort Claims Act unless the political subdivision has made a final disposition on the claim, or in the alternative, final disposition of the claim has not been made within six months after the claim was filed. The Nebraska Court of Appeals has held that the notice requirements of §13-906 are to be liberally construed, and a claimant does not need to wait six months so long as they substantially comply with the six-month requirement and the lack of compliance has not caused prejudice to the political subdivision. The doctrine of substantial compliance creates uncertainty, and the legislature should amend this section to clarify that strict compliance with the notice requirements under §13-906 is required.

3. **Conduct a Legislative Review to Examine How the Length of Time Post Adjudicated Youth Spend in Secure Detention While Awaiting Placement Can Be Reduced**

Post adjudicated youth held in the County's Youth Services Center should be placed into community treatment as soon as possible. However, placement can be difficult

because of a number of issues involving these youth. The Legislature should conduct a legislative review to examine how the length of stay in secure detention can be reduced for post adjudicated youth.

4. Allow financing of County Bridges under Neb. Rev. Stat. §23-120(3)(b)

The number of structurally deficient county bridges in Nebraska is increasing at an alarming rate. In Lancaster County alone there are twenty (20) structurally deficient bridges and five (5) functionally obsolete bridges. Amending §23-120(3)(b) to include county bridges could provide a steady source of revenue for addressing this important public safety issue.

5. Strengthen Prisoner Litigation Statutes to Discourage Frivolous Lawsuits

Frivolous litigation filed by state and local prisoners is time consuming, expensive, and a waste of limited judicial resources. The deliberate filing of frivolous lawsuits by prisoners could be discouraged if all prisoners were required to have some financial stake in filing an action. Federal statutes governing civil rights actions of prisoners require that a prisoner seeking to proceed in forma pauperis is still required to pay the full amount of the filing fee. Along with the affidavit seeking to proceed in forma pauperis, a prisoner is also required to submit to the court a certified copy of their institutional trust fund account for the six month period immediately preceding the complaint or notice of appeal. The prisoner may then be allowed to pay the filing fee over time based on a payment formula in the federal statutes. Federal law also gives judges greater discretion in dismissing actions filed by prisoners which the court determines to be frivolous, malicious, or fail to state a claim upon which relief can be granted.

Presently, Neb. Rev. Stat. §25-3401(2)(a) provides, "A prisoner who has filed three or more civil actions, commenced after July 19, 2012, that have been found to be frivolous by a court of this state or a federal court for a case originating in this state shall not be permitted to proceed in forma pauperis for any further civil actions without leave of the court..." This statute should be amended to include the federal law provisions which require the prisoner to pay the filing fee and which provide greater discretion to judges to dismiss frivolous or malicious claims.

6. Amend Neb. Rev. Stat. §29-2022 to Give Trial Courts Discretion with Regard to Sequestered Juries in Criminal Cases

Defendants in criminal cases have the right to keep a jury sequestered until a verdict is reached, regardless of the severity of the case or the actual risk the jury members may be influenced by improper contact or communications. See Neb. Rev. Stat. §29-2022. When a jury is sequestered counties are responsible for paying all the costs of housing and feeding the jury members, as well as the costs of providing security. These expenses can be significant. Additionally, sequestration can result in a substantial hardship to the members of the jury. This

statute should be amended to give the trial court discretion in deciding whether a jury in a criminal case should be sequestered until a verdict is reached, based on the actual potential of the jury being improperly influenced. 2016 Neb. Laws LB 976 would have given trial courts discretion on jury sequestration. However, it was withdrawn prior to consideration by the Judiciary Committee.

7. Reasonable Fees for Services Provided by the County Engineer for Issuance of Driveway Permits, Right-of-Way Utility Permits, Subdivision Reviews, and Load Permits

The Lancaster County Engineer's Office spends a significant amount of time issuing driveway permits, right-of-way permits for utilities, vehicle load permits, and reviewing proposed land subdivisions. These services primarily benefit individual companies or persons. Enabling legislation is necessary to give counties the authority to charge a reasonable fee for these services.

8. Limit Workers' Compensation Awards to Retirement Age

Rising workers' compensation costs are a concern to the County. Awards for permanent disability are expensive and can extend an indefinite period into the future. Limiting disability awards to the age of retirement would still benefit the injured worker by helping replace lost wages during wage-earning years. At retirement other revenue sources, such as social security and pensions, then become available to support the injured worker. The benefit to the County would be lower costs and a greater ability to manage workers' compensation cases.

9. Tax Increment Financing

The Nebraska Redevelopment Act, Neb. Rev. Stat. §58-501 et seq. is intended to encourage economic growth through redevelopment of blighted and substandard areas within cities. The Act generates funds for redevelopment projects by creating tax increment financing (TIF) districts. TIF is widely used by cities and villages to finance community redevelopment projects. Essentially, two land values are established for tax parcels lying within the boundaries of a project: the value of the parcel prior to redevelopment and the value of the parcel after redevelopment. Property tax increases within the TIF district attributable to the project are placed in a special fund to be used solely to pay the principal, interest, and premiums on any bonds, loans, notes, or other indebtedness incurred to finance the redevelopment project. Lancaster County has identified the following concerns with TIF:

A. Clarify Who is Entitled to the Proceeds in a Tax Increment Financing Special Fund Upon Payment of All Bonds, Loans and Other Indebtedness for a Redevelopment Project

Neb. Rev. Stat. § 18-2147(1)(b)(Reissue 2007) provides, “ When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies...”

A question has arisen regarding whether a city has the authority to amend a redevelopment project after all indebtedness has been paid, and thus continue using the proceeds in the special fund for redevelopment purposes instead of distributing the balance of the special fund to the respective public bodies which levy on the property. Legislation is needed to clarify whether a city or village has the authority to amend a redevelopment project after the original indebtedness has been paid.

B. County Input in the Approval of Tax Increment Financing Districts Which Affect the County Tax Base

Other taxing entities in the county where the TIF district is located lose the benefit of the property valuation increase for the entire district during the period the project is financed. In recent years there has been a sharp increase in the number of TIF districts created by the City of Lincoln. TIF districts often encompass a large area, regardless of the size or number of the individual projects within the TIF, and regardless of whether the entire district is blighted or substandard. Since the other taxing entities, including counties, are being denied essential tax revenue, they should have direct input into the establishment of TIF districts. This would help guarantee TIF districts are actually targeted to blighted or substandard areas and do not unnecessarily remove growth from the assessed valuation for other taxing entities.

10. Extend Deadline for Issuing Greenbelt Valuation Notice

When a property owner simultaneously has a pending board of equalization valuation protest and an application for special Greenbelt valuation, it is possible that a landowner will receive conflicting valuation notices. This problem can be solved by amending Neb. Rev. Stat. §77-1345.01(2) to extend the final date for the board of equalization to send a notice of special valuation from July 22nd to August 15th.

11. Modify Strict Liability Provisions of Neb. Rev. Stat. §13-911 When a Vehicular Pursuit Is Terminated by a Law Enforcement Officer

As interpreted by the Nebraska Supreme Court, a political subdivision can be held strictly liable under §13-911 for damages to an innocent third party caused by a fleeing

motorist, even after a pursuing law enforcement officer has stopped the pursuit. §13-911 should be amended to eliminate strict liability when the damages are caused by the fleeing motorist after the pursuit has been terminated by the officer. This amendment would provide an incentive to law enforcement to stop pursuits which have become dangerous to innocent third parties.

12. Clarify Funding Source When Courts Assign Non-IV-D Cases to a Child Support Referee

Under Neb. Rev. Stat. §43-1610 funding for a child support referee shall be provided by the county and state to the district Court, separate juvenile court, and county court. Neb. Rev. Stat. §43-1611 provides these courts may by rule or order assign any matter regarding the establishment and collection of child, spousal, or medical support, paternity matters, and protection orders to a child support referee. However, when a child support referee is assigned non-IV-D cases federal funds may not be used to cover the cost. Since the courts have complete discretion in assigning cases to a child referee, it is possible the county may incur additional costs under the IV-D program over which it has no control. The statutes should be clarified to provide state funding will be used in this situation rather than county funding.

13. Provide Statutory Guidance on Enforcement of Insurance Subrogation Clauses

In the case of Blue Cross and Blue Shield of Nebraska, Inc. v. Dailey, 268 Neb. 733 (2004), the Nebraska Supreme Court held a subrogation clause in the insurance contract could not be enforced against the insured under the equitable made whole doctrine. The Dailey case involved an employee covered under an insurance contract between his employer, the Nebraska Association of County Officials, and Blue Cross. The employee was injured as a result of the negligence of a third party, and subsequently recovered a one-time payment of \$1,225,000 and monthly payments of \$10,000 for life against the third party. Even though the contract clearly provided Blue Cross would be entitled to recover approximately \$794,000 it had paid on behalf of the insured for injuries caused by a third party, the Supreme Court held Blue Cross was not entitled to recover these funds because the insured had not yet been made whole for the injuries. A statutory solution is needed to provide for the enforcement of reasonable subrogation clauses to help control health insurance costs.

ATTACHMENT A

Lancaster County, Nebraska
Services Provided to the State of Nebraska

		<u>Updated Information</u>	<u>Budget Year</u> <u>2018-19</u>
County Treasurer	The Treasurer collects sales tax and remits to the State through the motor vehicles division. Collected \$29,238,776 in FY12 and collections fees kept by the county were \$1,800.	Collected \$41,235,411 in FY18 and collection fees kept by the county were approximately \$2,700	
West O Building	Lancaster County provides 4,075 square feet to the State for Drivers License Examiners. This includes utilities and custodial services. The cost per sq/ft at West O is \$14.88.	The cost per sq/ft at West O is \$18.87 (2018-19)	\$ 76,895
Motor Vehicle Building	Lancaster County provides 1,651 square feet to the State. This includes utilities and custodial services. The cost per sq/ft is \$7.47.	The cost per sq/ft is \$9.91 (2018-19)	\$ 16,361
Register of Deeds	The Register of Deeds does all of the work required to file land records yet is required to send a portion of the documentary stamp tax to the state to fund other programs. County keeps 22.22% and the State receives 77.78%. Based on \$2 million collected - state receives \$1,555,000. (76-903)	Calculated amount is still reasonable	\$ 1,555,000
Election Commissioner	Billable costs for elections are not allowed to be billed to the state. Costs are passed down to other political subdivisions but not to the state. State costs would range from 50% to 60% of billable costs. Last primary billable costs were \$355,000.		
County Court (BU 6280)	Lancaster County is required to remit certain court costs to the State. If those fees cannot be collected from defendants, the County must pay.	Court Costs (All 3 courts have been combined)	\$ 300,000
County Court	All County Court staff are state employees.		\$ 689,933

Lancaster County, Nebraska
Services Provided to the State of Nebraska

	<u>Updated Information</u>	<u>Budget Year</u> <u>2018-19</u>
	Lancaster County pays for operating expenses, computers, and office equipment.	
	Lancaster County is required to provide for office space and courtrooms. Cost includes custodial services, utilities, security, and parking. 29,195 sq/ft at a cost of \$14.72 per sq/ft. (New Courtroom is under construction)	31,422 sq/ft @ \$15.95 plus parking \$ 506,581
Juvenile Court	Juvenile Court Judges are state employees. The County pays for a Court Administrator, 3 Clerk Typists, and 4 bailiffs. (Personnel Costs)	\$ 645,506
	Lancaster County also pays for Court Appointed Attorneys, Boarding contracts, and other operating expenditures.	\$ 1,185,399
	Lancaster County is required to provide for office space and courtrooms. Cost includes custodial services, utilities, security, and parking. 12,632 sq/ft at a cost of \$14.72 per sq/ft.	12,500 sq/ft @ \$15.95 plus parking \$ 204,055
District Court	District Court Judges are state employees. The County pays for a Court Administrator, 2 Law Clerks, and 8.75 bailiffs. (Personnel Costs)	\$ 1,278,790

Lancaster County, Nebraska
Services Provided to the State of Nebraska

Budget Year
2018-19

Updated Information

Lancaster County has had a District Court Referee for many years. State Statute states the county and state should pay for the costs. IV D pays for 2/3 of the costs but the state pays zero.

Lancaster County also pays for Court Appointed Attorneys, juror fees, and other operating expenditures.

\$ 1,079,424

Lancaster County is required to provide for office space and courtrooms. Cost includes custodial services, utilities, security, and parking. 33,524 sq/ft at a cost of \$14.72 per sq/ft.

33,524 sq/ft @ \$15.95 plus parking

\$ 542,988

County Sheriff

Special Services Division provides security for the courtrooms. This cost is incorporated into the cost per sq/ft in rent calculations.

The Civil Division is responsible for the process of writs and documents. Sheriff does receive revenue but it does not offset the cost of performing the service.

Register sex offenders and complete handgun registrations in the Administrative Support Division. 2 employees - does not include supervisor time.

Corrections

The Jail has provided 859 DNA tests for the State over the last 2.5 years.

The Jail has completed 7,175 full sets of fingerprints for the State system (NSP) over the last 2 years.

Lancaster County, Nebraska
 Services Provided to the State of Nebraska

Updated Information

Budget Year
2018-19

The Jail has completed 22 sex offender registrations over the last 2 years.

The Jail has had to answer 138 Ombudsman's request with time spent researching, interviewing, making repeated phone calls, and email contacts with the Ombudsman's office over the last 2 years.

The Jail has completed approximately 18,000 warrant checks on offenders before releasing over the last 2 years.

Time and staff effort to send inmate medical files to the State of Nebraska over the last 2 years.

Jail Reimbursement - housing of prisoners on behalf of the State. The State's rate was only \$35 per day and funding would run out during the fiscal year. Funding ended after FY11.

\$ 7,070,523

Amount billed FY00-FY11	15,696,765
Amount collected	8,626,242

Amount unable to be billed because funding ended:	
FY12	1,809,255
FY13 - FY18	11,451,160

Amount unable to be billed because funding ended:
 (through June 30, 2018)

\$ 13,260,415

Lancaster County, Nebraska
Services Provided to the State of Nebraska

		<u>Updated Information</u>	<u>Budget Year</u> <u>2018-19</u>
Juvenile Probation	<p>Juvenile Probation staff are state employees. Lancaster County pays for operating expenses, computers, and office equipment. This also includes contracts with the State Probation Office. The Juvenile Drug Court was funded by the State with grants but the County started funding in FY05.</p> <p>Lancaster County provides space for the department and the juvenile drug court. Cost includes custodial services, utilities, security and parking. 3,736 sq/ft at a cost of \$14.72 per sq/ft.</p>	<p>Computer Request (County is no longer funding Drug Court)</p> <p>(14,603 sq/ft @ \$15.95 plus parking)</p>	<p>\$ 69,997 16,903</p> <p>\$ 258,109</p>
Adult Probation	<p>Adult Probation staff are state employees. Lancaster County pays for operating expenses, computers, and office equipment. This also includes a contract with the State Probation Office.</p> <p>Lancaster County provides space at the Jail and office space at Trabert Hall. Cost includes custodial services, utilities, security and parking. 6,323 sq ft at a cost of \$11.75 per sq/ft at the jail and 17,572 sq ft at a cost of \$10 per sq/ft at Trabert Hall.</p>	<p>Computer Request</p> <p>605 Building - 19,533 sq/ft @ \$15.95 plus parking Reporting Center - 6,650 sq/ft @ \$10.20</p>	<p>\$ 187,529 \$ 11,773</p> <p>\$ 386,221</p>
Community Corrections	<p>Drug Court - reimbursement for employees. Dollar amount of reimbursement has not changed over 6 years - despite Kim's request. Employee Costs - \$276,156 (salaries only) State Reimb - \$183,839</p>	<p>State Reimbursement - \$246,839 Employee costs - \$350,449</p>	

Lancaster County, Nebraska
Services Provided to the State of Nebraska

Budget Year
2018-19

Updated Information

State Probation does not cover actual costs
 Staff Secure has been eliminated in FY16-17

Youth Services Center	The state does not reimburse the county for the cost of care for youth detained and/or in an alternative to detention post adjudication and beyond. The requirement is only when the youth is committed to HHS/OJS and should be adjudicated youth in juvenile court. The state should also be responsible for the cost of care for youth who are detained due to a violation of probation pre-adjudication status.		
General Assistance	Lease agreement with Health & Human Services - 41,267 square feet x 13.60 per sq ft. x 51.62% nonfederal share = \$289,707.55 (Included on legislative list)	\$	285,000
County Fees	A number of county statutory fees have not been raised for many years. Fees are not allowed to be increased to cover costs. A few examples: locksmith license handgun permits motor vehicle inspection fees Treasurer fees		
Other Court Related Costs	Clerk of the District Court	\$	1,899,678
	Jury Commissioner	\$	410,809
	Mental Health Board	\$	148,467

Note: List was started in FY12-13 and updates have been added throughout the years.

Kerry P. Eagan

From: Joseph D. Nigro
Sent: Friday, August 31, 2018 4:41 PM
To: Kerry P. Eagan
Subject: Legislative Retreat

These are issues for potential legislation. I don't have draft language at this time:

Outpatient restoration of competency. Hopefully we can get legislation introduced again to allow for outpatient restoration of competency. This would reduce the wait time for people to go to the Regional Center to be restored competency, and allow some individuals to be restored to competency in the community. There were constitutional issues with the pilot program proposed last year. We should propose a change which will apply to all counties.

End money bond. We should move away from money bond to evidence based risk assessments determining release and the level of supervision necessary. This is happening around the country as people have realized that the current system does not guarantee that people return to court, nor does it protect the community. It only keeps the poor in jail. We must guarantee that the assessment tool used does not also discriminate against the poor and people of color.

Reduce the penalty for possession of residue of a controlled substance to a misdemeanor. These cases have overwhelmed our system. We are not solving the problem. LB 971 could be reintroduced.

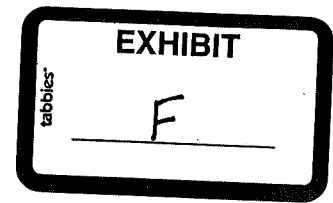
Legalization of marijuana. This is inevitable as more and more states legalize marijuana. We are wasting resources dealing with this in the criminal justice system, with ruinous consequences for people who are convicted. It would be smarter to regulate it. Taxation of sales could provide property tax relief.

Authorization of 24/7 driving permits would help expand the 24/7 program. People have to be able to drive to testing, their jobs, school, and probation activities. 24/7 has proven more effective than interlock at reducing drunk driving. Many people cannot afford interlock.

Pre-trial diversion for DUIs. It is more effective than going through the court system at reducing recidivism. It could raise revenue too.

Thanks,

loe



Legislative Issues for 2019

1. **Revise special valuation (greenbelt) for agricultural or horticultural land of five acres or less.**

Problem: Special valuation, or "greenbelt" as it is sometimes referred, is a tax policy and land management tool. Its purpose is to assist with systematic and controlled growth in and around urban areas as well as preserve agricultural land in areas where increased economic development and rising property values can crowd out agricultural producers. Over the years, the Legislature has made it easier to qualify for greenbelt, removing minimum acre counts and proof of income requirements. Today it is very hard for county assessors to ensure that the policy is applied fairly and the property tax burden is unfairly shifted to other tax payers.

Solution: Legislation was introduced on Sarpy County's behalf in 2017 (LB 1104). Legislation should be introduced in 2019 that builds on the earlier proposal. The tax policy should be changed to require landowners or lessees with land of five contiguous acres or less to provide a copy of the IRS Schedule F form from 2 out of the past 3 years.

2. **Restore the 0.5% commission for collecting motor vehicle sales taxes for the State of Nebraska.**

Problem: In 2002, the Nebraska Legislature reduced the commission the County Treasurer is eligible to retain for collecting sales tax on motor vehicles. Currently, all counties receive the same commission regardless of the volume of sales tax receipts collected. This unfunded mandate has cost Sarpy County alone over \$1.2 million.

Solution: This commission has never been restored despite multiple legislative attempts to address this unfunded mandate. Given the new makeup of the Revenue Committee due to term limits, legislation should be reintroduced in 2019 to restore the commission to counties.

3. **Add fireworks to the types of activities that counties can regulate under its ordinance authority.**

Problem: Counties first obtained ordinance authority in 2009. This authority was expanded in 2015 to include peddlers, hawkers, or solicitors operating for commercial purposes. In general, county ordinance authority is limited and clearly defined in § 23-187 to 23-193. Counties do not currently have the authority to regulate the sale and use of fireworks. While the use of fireworks is a means of celebration within the United States and Nebraska, it can create a significant impairment to the public peace.

Solution: Introduce legislation to allow counties the option to the regulation of the sale and use of fireworks in order to promote the public peace while still allowing for historical or religious celebrations. This includes duration, time of day, and additional accommodations if inclement weather interferes with holiday celebrations.

4. **Expand protections for assault on an officer to include local government correctional officers.**

Problem: Over the past several decades, the Legislature has added enhanced penalties for persons who assault frontline workers in Nebraska's correctional and health care fields to recognize the increased risk these professionals face in carrying out their official duties and provide a deterrent for crime. This includes probation officers (2005), Health and Human Services employees if the person committing the assault is a committed sex offender (2010), health care professional (2012), or an emergency responder (2014). There is not a comparable penalty for persons who assault local government correctional officers during the course of their duties.

Solution: Amend §28-115 to include assault on local government officials.

5. Amend the Industrial Relations Act to allow the CIR to compare public sector jobs to private sector jobs.

Problem: The Nebraska Industrial Relations Act first established the Commission of Industrial Relations (CIR) in 1947, originally restricting its jurisdiction to public utilities. In 1968, the Legislature extended CIR's jurisdiction to all public sector employees. The last CIR reform passed in 2011. There remains a clear need to revisit the current state of the law regarding comparable wages. The law does not provide for the local average wage of employees as a comparable for similar employment positions. Thus, the compensation average of local business is not given consideration when setting wages for public employees doing similar work.

Solution: The Industrial Relations Act should be amended to include, when possible, the local wage of similar employment positions in the private sector job market as one of the comparables for salary and benefits of public employees.

6. Provide for a turnback of state sales tax revenue on sewer and water fees to assist in paying for infrastructure improvements.

Problem: Sarpy County is separated by a ridge line that until recently has stymied development south of the geographic feature because existing sewer lines cannot pump over the ridge. With shovel ready sites quickly disappearing from the Metro area, the region must address its infrastructure challenges. The price tag is steep, however: \$31 million for the first phase and a total cost of \$220 million, and will require a multi-faceted approach. That's why the Legislature overwhelmingly supported LB 253 (2016) to create the public-private partnership that is the Sarpy County Wastewater Agency.

Solution: In 2017, legislation was introduced to provide a turnback tax of state sales tax revenue on sewer and water fees to assist with infrastructure improvements such as the City of Omaha's CSO project. We support legislation that includes the inclusion of the sewer agency as a type of entity that can utilize the turnback tax on sewer and water fees and ensure that eligible facilities include construction of the new facilities.

7. Allow counties to let design build contracts for county road projects.

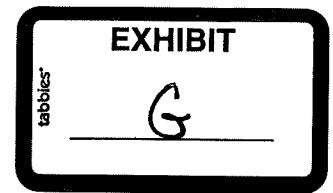
Problem: Sarpy County is Nebraska's fastest growing counties and nowhere is this growth more evident than in the Hwy 370 corridor. Sarpy County and the Nebraska Department of Roads cannot build roads fast enough to keep up with the demand. A design build contract is a single contract for both design and construction of a project and a unified flow of work from the beginning of the project to the end. Counties cannot currently enter into design-build contracts for roads, despite the advantages they can offer the county and county taxpayers.

Solution: Allow counties to utilize design build project delivery as a method for dealing with road projects.

8. Clarify that counties with a jail or correctional facility are not financially responsible for medical bills incurred by arrestees who have not completed the facility admissions or booking process.

Problem: There is a pending case before the Nebraska Supreme Court (County of Chase v. City of Imperial) regarding which entity is fiscally responsible for medical costs incurred on behalf of arrestees who have not completed the booking process. At issue is the interpretation of the term "lodging" and the legislative intent of this language in § 47-703. The District Court ultimately found that Chase County was not fiscally responsible as the arrestees in question had not been taken into the facility's custody. The Court of Appeals reversed the order of the district court and Chase County appealed. Sarpy County has a hospital payment demand regarding a circumstance that is similar to this case and as a result, filed an amicus brief with the Supreme Court. In Sarpy County's instance, an arrestee received medical treatment while in the custody of the arresting/apprehending agency for non-arrest related medical reasons, was released from the hospital, and never booked or lodged in the Sarpy's jail facilities.

Solution: Support the introduction of legislation if the Nebraska Supreme Court affirms the Court of Appeals decision to clarify that counties are not financially responsible for medical bills incurred by arrestees prior to facility admissions and booking process.



NACO Legislative Issues for 2019

1. Update jury terminology statutes

Problem: Existing district court statutes do not reflect modern court technology and current practices in the selection of jurors. As jury statutes have been amended over the years, sections applying to related subject matter have been separated and moved out of order.

Solution: Legislation was introduced on NACO's behalf in 2016 (LB847) and 2017 (LB192) to update jury statutes and reorganize Chapter 25, Article 16 for consistency and grouping of subject matter. Legislation should be introduced in 2019 that builds on the earlier proposals as well as addressing new material that has become a part of the discussion, such as increasing the age for requesting an exemption from jury service from sixty-five to seventy.

2. Revise tax sales and treasurer's tax deed laws

Problem: When a tax sales certificate matures, the holder can apply to the county treasurer for a tax deed or pursue judicial foreclosure to obtain clear title. Despite changes in tax sales laws that shift some of the burden to the investor to attest to compliance with the statutory procedures, treasurers and county attorneys spend significant time researching the supporting documents to issue a treasurer's tax deed.

Solution: The treasurer's deed process should be amended to provide a checklist of documents that tax sales certificate holders must present when applying for a treasurer's deed, including a complete title search. The fee for issuing a treasurer's deed should be increased from \$20 to a rate that reflects the actual cost of issuance.

3. Eliminate an annual report from the highway superintendent to the county board

Problem: County highway superintendents provide one- and six-year plans to the county board and Nebraska Board of Public Roads Classifications and Standards by March 1 each year pursuant to § 39-2119. The reports are intended to promote the orderly development of an integrated system of Nebraska's public roads. In addition, the SSAR (standardized system of annual reporting) requires reporting of expenditures, revenues, and inventory by October 31. These reports present an overall picture of the road program in the county. In addition to the one- and six-year reports and the SSAR, § 39-1512 requires a separate mid-fiscal year report to the county board by February 1. Because this report duplicates much of the information provided elsewhere, it is unnecessary.

Solution: The mid-fiscal year report required by § 39-1512 should be eliminated. Because the Board of Public Roads Classifications and Standards will be requesting the introduction of legislation to allow county boards to certify by resolution that they have prepared the one- and six-year reports and SSAR and complied with other procedural matters, rather than providing copies of the reports themselves, it might be possible to combine these proposals into a single bill if the issues are advanced to the floor of the Legislature.

4. Harmonize budget hearing publication requirements

Problem: The Nebraska Budget Act was amended in 2017 to move publication of the notice of the public hearing on each governing body's proposed budget statement from five days to "at least four calendar days" prior to the date of the hearing, with the day of publication counted as the first day. The County Budget Act was not revised and still contains a five-day notice requirement.

Solution: Section 23-906 of the County Budget Act should be amended to mirror the four-day notice language in the Nebraska Budget Act. This bill could include similar revisions to § 77-1601.02 that were proposed by LB825 (2018) but did not pass due to the controversial nature of other sections of the bill.

5. Allow single-commissioner TERC hearings to be held by videoconference

Problem: County officials often drive to Lincoln for a hearing before a single commissioner on the Tax Equalization and Review Commission (TERC) but the opposing party does not appear and the case is dismissed. Although the TERC can hold statewide equalization hearings by videoconference, there is no authority for single-commissioner hearings to be held by videoconference.

Solution: TERC should be authorized to hold single-commissioner hearings by videoconference. Although they would not necessarily need to be included in statute, issues such as connectivity, making a record of the hearing, and decorum should be considered before implementation of this proposal.

6. Require filing of annexations and other boundary changes by June 30

Problem: Real and personal property annexed by a political subdivision on or after August 1 is considered within the taxable valuation of the annexing subdivision the following year. However, there are no requirements for filing notice of annexations or other boundary changes with county officials. Because valuations must be certified to subdivisions on or before August 20, receiving a delayed notice of boundary changes forces recalculations by assessors, the Department of Revenue, and affected taxing entities.

Solution: Cities, fire districts, sanitary and improvement districts, and other political subdivisions should be required to report to the county assessor and file notice with the county clerk of annexations, the creation of new entities, and other boundary changes by June 30 so that the valuation can be certified to the appropriate entity. Changes made after June 30 should be addressed in the following year's valuation.

7. Provide for safekeeping of county jail inmates at Department of Correctional Services facilities

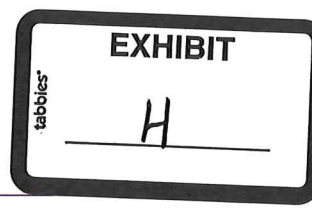
Problem: Prior to August 2017, county jail inmates being held on misdemeanor charges or sentences were allowed to be transferred to Nebraska Department of Correctional Services (NDCS) facilities for safekeeping in the event they needed a higher level of care or security than could be provided in a county jail. Due to changes made by LB605 (2015), NDCS is interpreting § 28-106(2) to mean that only pre-adjudicated jail inmates charged with a misdemeanor may be transferred to a prison facility for safekeeping, and safekeeping of post-adjudicated jail inmates serving misdemeanor sentences is no longer allowed.

Solution: Section 28-106 should be amended to require NDCS to accept pre-and post-adjudicated county jail inmates for safekeeping.

8. Harmonize dates to place change from township to commissioner form on ballot

Problem: Under § 23-293, a petition or county board resolution to place the issue of discontinuance of the township form of government on the ballot must be submitted to voters at the next general election not less than 70 days after the filing of the petition or resolution. Under § 32-559, issues to be submitted at the general election must be certified by September 1. Since elections regarding the discontinuance of the township form of government must be conducted as provided by the Election Act, these sections are in conflict.

Solution: Section 23-293 should be amended to reflect a September 1 date to place the discontinuance of the township form on the ballot. NACO is working with Secretary of State to include this issue in their omnibus election bill.



JANUARY 2017

Reducing the Number of People with Mental Illnesses in Jail

Six Questions County Leaders Need to Ask

Risë Haneberg, Dr. Tony Fabelo, Dr. Fred Osher, and Michael Thompson

Introduction

Not long ago the observation that the Los Angeles County Jail serves more people with mental illnesses than any single mental health facility in the United States elicited gasps among elected officials. Today, most county leaders are quick to point out that the large number of people with mental illnesses in their jails is nothing short of a public health crisis, and doing something about it is a top priority.

Over the past decade, police, judges, corrections administrators, public defenders, prosecutors, community-based service providers, and advocates have mobilized to better respond to people with mental illnesses. Most large urban counties, and many smaller counties, have created specialized police response programs, established programs to divert people with mental illnesses charged with low-level crimes from the justice system, launched specialized courts to meet the unique needs of defendants with mental illnesses, and embedded mental health professionals in the jail to improve the likelihood that people with mental illnesses are connected to community-based services.

Despite these tremendous efforts, the problem persists. By some measures, it is more acute today than it was ten years ago, as counties report a greater number of people with mental illnesses in local jails than ever before.¹ Why?

After reviewing a growing body of research about the characteristics of people with mental illnesses who are in contact with local criminal justice systems; analyzing millions of individual arrest, jail, and behavioral health records in a cross-section of counties across the United States; examining initiatives designed to improve outcomes for this population; and meeting with countless people who work in local justice and behavioral health systems, as well as people with mental illnesses and their families, the authors of this brief offer four reasons why efforts to date have not had the impact counties are desperate to see:

There are insufficient data to identify the target population and to inform efforts to develop a system-wide response. New initiatives are frequently designed and launched after considerable discussion but without sufficient local data. Data that establish a baseline in a jurisdiction—such as the number of people with mental illnesses currently booked into jail and their length of stay once incarcerated, their connection to treatment, and their rate of rearrest—inform a plan's design and maximize its impact. Furthermore, eligibility criteria are frequently established for diversion programs without the data that would show how many people actually meet these criteria. As a result, county leaders subsequently find themselves disappointed by the impact of their initiative. Counties that recognize the importance of using this data to plan their effort often find the data they need do not exist. It is rare to find a county that effectively and systematically collects information about the mental health and substance use treatment needs of each person booked into the jail, and records this information so it can be analyzed at a system level.

Program design and implementation is not evidence based. Research that is emerging on the subject of people with mental illnesses in the justice system demonstrates that it is not just a person's untreated mental illness but also co-occurring substance use disorders and criminogenic risk factors that contribute to his or her involvement in the justice system. Programs that treat only a person's mental illness and/or substance use disorder but do not address other factors that contribute to the likelihood of a person reoffending are unlikely to have much of an impact. Further, intensive supervision and limited treatment resources are often not targeted to the people who will benefit most from them, and community-based behavioral health care providers are rarely familiar with (or skilled in delivering) the approaches that need to be integrated into their treatment models to reduce the likelihood of someone reoffending.

The initiative is small in scale. Due to scarce resources, diversion programs or improvements to reentry planning are frequently launched as pilots, rarely taken to scale, and as a result unable to serve many of the people who would be eligible for them. And community-based treatment and other supports are frequently stretched so thin that they are only able to reach a small fraction of the people who need them.

The impact of the initiative is not tracked. County leaders making a significant investment in community-based services and supervision for people with mental illnesses should know what impact that investment has had on these four key measures: **reducing the number of people with mental illnesses booked into jail, reducing the length of time people with mental illnesses remain in jail, increasing connections to treatment, and reducing recidivism.** But few counties have benchmarked these numbers, and capacity to collect and analyze data is so limited that many county leaders are unable to get data on how many people received treatment and other services or how many people completed a program. Without outcome data, however, it is hard for the people who administer programs and services to focus on clear targets. Similarly, it is hard for county leaders to hold program administrators accountable for desired results.

What Does “Mental Illness” Mean?

The term “mental illness” is defined by *The Diagnostic and Statistical Manual of Mental Disorders*, 5th Edition, as “a syndrome characterized by clinically significant disturbance in an individual’s cognition, emotion regulation, or behavior that reflects dysfunction in the psychological, biological, or developmental processes underlying mental functioning.”²

For the purposes of the *Stepping Up* initiative, “people with mental illnesses” should be understood also to encompass people with co-occurring substance use disorders, as well as “serious mental illness” (SMI) or “serious and persistent mental illness” (SPMI), which are defined as a mental, behavioral, or emotional disorder that is diagnosable within the past year, is chronic or long lasting, and results in a significant impairment in social, occupational, or other important areas of functioning.³ Some states use SMI and SPMI interchangeably, while others differentiate between SMI and SPMI based on the severity of the associated functional impairment.

Some states specify the diagnoses that they accept as qualifying for an SMI, including schizophrenia, schizoaffective disorder, bipolar disorder, and severe forms of major depression and anxiety.

The Six Questions Counties Need to Ask

Despite these challenges, many counties have made significant strides toward reducing the number of people with mental illnesses in their jails. Other counties are just starting their efforts or may be unsure of efforts already underway in various parts of their systems. To assess their community’s existing efforts to reduce the number of people with mental illnesses in jail, county leaders should ask themselves the following questions:

- 1. Is our leadership committed?**
- 2. Do we conduct timely screening and assessments?**
- 3. Do we have baseline data?**
- 4. Have we conducted a comprehensive process analysis and inventory of services?**
- 5. Have we prioritized policy, practice, and funding improvements?**
- 6. Do we track progress?**

Leaders in counties across the U.S. who scan these questions will readily respond affirmatively. Indeed, there are many counties that can provide excellent examples of what successfully addressing one or more of these questions looks like. But few counties have taken the steps necessary to satisfy all the above questions. Doing so is hard—extraordinarily hard. These issues are complex. Resources are limited. And a host of independently elected officials and a tangled web of private and not-for-profit service providers must set aside their own agendas and collaborate extensively.

To be clear, this brief does not assume that the number of people with mental illnesses in jail can be reduced *only* when counties have addressed all of these questions. But county leaders will find that thoughtful consideration of each of these six questions will help them determine to what extent their efforts will have a system-level impact, not only resulting in fewer people with mental illnesses in jail, but doing so in a way that increases public safety, applies resources most effectively, and puts more people on a path to recovery.

1. Is Our Leadership Committed?

Are county policymakers—such as commissioners, supervisors, or managers—and key leaders from the criminal justice and behavioral health fields fully invested in the goal of reducing the number of people with mental illnesses in jail?

Why it matters

Reducing the number of adults with mental illnesses in jails requires a cross-systems, collaborative approach involving a county-wide committee or planning team. Strong leadership, including the active involvement of people responsible for the county budget, is essential to rally agencies reporting to a variety of independently elected officials. The designation of a person to coordinate the planning team's meetings and activities and to manage behind-the-scenes details pushes the project forward and ensures that the work gets done.

What it looks like

- ✓ **Mandate from leaders responsible for the county budget:** The elected body representing the county (e.g., county commissioners) has established a clear mandate in the form of a resolution or other formal commitment for behavioral health and criminal justice system administrators to implement systems-level reforms necessary to reduce the number of people with mental illnesses in jail.⁴
- ✓ **Representative planning team:** The planning team comprises key leaders from the justice system, such as the sheriff or jail administrator, judges, prosecutors, defense bar, law enforcement executives, and community supervision officials; key leaders from the behavioral health system, such as the director of mental health services, other community-based behavioral health care providers, such as substance use treatment providers, and health care financing experts; representatives from the community, including organizations representing people with mental illnesses and their families (e.g., National Alliance on Mental Illness [NAMI]); and representatives from county government, such as commissioners or a county manager, and representatives of municipal government, such as the mayor or police chief. The planning team might be part of an existing criminal justice coordinating council or task force.
- ✓ **Commitment to vision, mission, and guiding principles:** The planning team is clear on the mandate, and is committed to making the necessary agency-level changes. Formal agreements, such as memorandums of understanding (MOUs), are in place to effectuate team function and document the initiative's vision, mission, and guiding principles, as well as to formalize the expectation that top decision makers will be in attendance for planning meetings.
- ✓ **Designated planning team chairperson:** The chairperson is a county elected official or other senior-level policymaker who is in routine contact with leaders responsible for developing the county budget and administering the law enforcement and behavioral health systems, and who can engage the stakeholders necessary to the success of the initiative. County leaders have charged the chairperson with holding agency administrators accountable for the implementation of the plan. These agency administrators are aware that the chairperson must provide routine updates to county leaders, often in an open forum, such as a commission meeting.
- ✓ **Designated project coordinator:** The planning team has assigned a project coordinator to work across system agencies to manage the planning process. The project coordinator—who might also be the county's criminal justice coordinator—facilitates meetings, builds agendas, provides meeting minutes, and organizes subcommittee work as needed. The project coordinator also assists with research and data analysis, and is in constant communication with planning team members.

2. Do We Conduct Timely Screening and Assessments?

Is screening for mental illness and substance use conducted for everyone booked into jail, along with full, follow-up assessments, as time allows, for people who screen positive for these conditions? Are assessments measuring a person's risk of flight and risk of reoffending while awaiting trial also conducted and combined with screening information to guide decision making from the pretrial phase through final case discharge?

Why it matters

To reduce the number of people with mental illnesses in jail, counties first need to have a clear and accurate understanding of the prevalence of mental illnesses in their jail populations. This requires the universal screening of every person booked into jail for mental illness, as well as for other behavioral health needs, such as substance use. Additionally, assessing for criminogenic risk (or the likelihood that someone will commit additional offenses) further informs release decisions, such as whether to require supervision or services to reduce the risk of reoffending. Without this foundational information, counties are ill equipped to track whether the number of people with mental illnesses in jail is actually being reduced, and if those identified with behavioral health needs are getting connected to the right types of interventions. [See Figure 1]

What it looks like

- ✓ **System-wide definition of mental illness:** The county has established a definition of mental illness that is consistently applied throughout the local criminal justice and behavioral health systems. At the state level, a definition of mental illness and/or serious mental illness (SMI) exists to determine eligibility for treatment and services funded by the state. In many counties, health officials use the state's definition to guide service-delivery decisions, but that is not the case in every county. Health care providers working in the jail often use a definition of mental illness that is distinct from what local or state health officials use. For example, a jail may screen only for suicide risk rather than screening for mental illness based on a system-wide definition of mental illness. Judges may receive pretrial release and sentencing recommendations concerning behavioral health needs that are not based on formal screening. Or mental health clinicians working inside the jail may describe a person's mental health needs in terms that do not align with the state's definition of who qualifies for publicly funded mental health services. Adopting a single definition of mental illness that is consistently used by local behavioral health systems, as well as the jail, courts, and community corrections, ensures that all systems are using the same measure to consistently identify the population that is the focus of the initiative's efforts.

Adopting a Definition of Mental Illness

When establishing its definition of mental illness, a county may decide to focus on the population with SMI, which is defined by the state and denotes the population with the most severe impairments who are often eligible for publicly funded services. The planning team may adopt the state's definition, or may choose another definition based more on local considerations. In any case, the definition is one that both criminal justice and mental health professionals can understand and use with confidence.

Although this may at first seem a simple task, many planning teams struggle with this exercise. The focus needs to remain on the practical use of the definition to determine the target population of the initiative. For example, a county may agree to use the state's definition of SMI but describe it in more detail to include a diagnosis established through an assessment process that, without treatment, impairs the day-to-day functioning of the individual.

Because many people are released from jail within 24 hours, screening immediately at booking for mental illness based on the county's established definition casts the widest net to include people with mental illnesses of varying degrees of severity, thus capturing the true prevalence of mental illness in the jail.

- ✓ **System-wide definition of substance use disorders:** The planning team agrees on a consistent definition of substance use disorders, a definition that may include substance use disorders that co-occur with mental illnesses. It is critical to be aware of the presence and severity of a substance use disorder both to identify a clinical need and to address the condition as a risk factor for reoffending.

-
- ✓ **Validated screening and assessment tools for mental illness and substance use:** To ensure the accurate identification of the behavioral health needs of everyone booked into jail, the county has implemented validated screening tools and assessment processes.⁵ The Brief Jail Mental Health Screen and the Texas Christian University Drug Screen V (TCUDS V) are validated mental health and substance use screening tools that are available in the public domain, are easy and efficient to administer, and do not require specialized staff such as a sworn officer or a mental health professional to conduct.⁶
 - ✓ **Efficient screening and assessment process:** The development of a screening and assessment process requires the planning team to determine the best party to conduct the screening. In some jurisdictions, jail personnel do the screening; in others, it is a contracted or embedded medical or behavioral health care provider. The logical time and place for screening for mental illnesses and substance use disorders is at booking into the jail, and within this churning environment, quick and efficient processing is necessary. If a person screens positive for a mental illness, a full clinical assessment by a mental health professional is necessary to confirm the screening result. Because an individual may be released from jail before the assessment can be completed, a process is in place to connect him or her to a mental health care provider to complete the assessment process.
 - ✓ **Validated assessment for pretrial risk:** Many jurisdictions do not screen for criminogenic risk until after a defendant's case is adjudicated. It is also essential, however, to conduct a pretrial risk assessment to inform decisions about a defendant's pretrial release, eligibility for pretrial diversion, and conditions of pretrial supervision. Such screenings are conducted prior to a person's first appearance/arraignment in order to inform the court of pretrial risk of failure to appear and risk for new criminal activity.⁷ Mental illness in and of itself is not considered to be a risk factor, but is considered in relation to release and case-planning decisions.⁸
 - ✓ **Mechanisms for information sharing:** The planning team has developed information-sharing agreements for agencies that protect the individual's privacy and support the need to share behavioral health information. The results of screening and assessments are used to inform key decisions related to pretrial release, diversion, discharge planning, and specialized pretrial and post-conviction community supervision. Jurisdictions often create a flag process that serves as an indicator of the need to connect a person to services and to gather the necessary releases to enable discussing the case. A data match of all people booked into jail and the behavioral health system's database identifies people who have previously received behavioral health care services and may require reestablishment of services.

Key Considerations for Information Sharing

Good communication is at the heart of effective collaborations between criminal justice and behavioral health systems, but often concerns about confidentiality and privacy laws, as well as incompatible information systems, often hamper best efforts to share information effectively. Counties need to develop the information-sharing policies and protocols necessary to facilitate system analysis and case management, while adhering to professional codes of ethics and privacy law. Some key considerations are:

- **Identifying information:** A discussion with interagency stakeholders about what information is needed to inform decision making and case planning and how this information will be used can help address concerns about confidentiality and build trust across agencies. Identifying the minimum necessary information to share helps keep the flow of information manageable and also adheres to the principles underlying privacy law.
- **Agreements:** It's critical to understand relevant federal and state law relating to privacy and information sharing, and to develop appropriate interagency agreements (such as MOUs) and local protocols (such as release-of-information forms) when protected information is involved.
- **Training:** Ongoing staff training must be a priority when collecting, sharing, and analyzing information.
- **Regular reviews:** Regular reviews are necessary to identify opportunities to improve information-sharing processes and data analyses and to ensure confidentiality and privacy requirements are being met.

In Practice: The Screening and Assessment Process in Salt Lake County, Utah

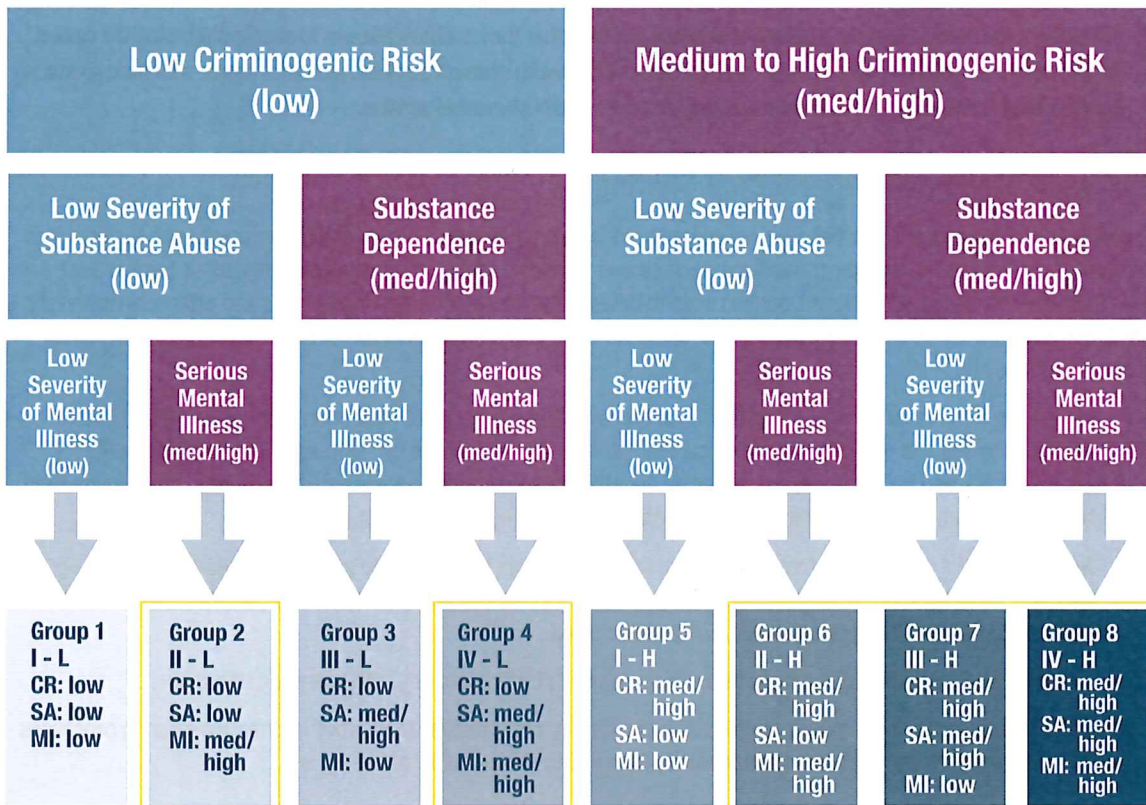
Salt Lake County, Utah, screens for mental health, substance use, and criminogenic risk at booking for everyone charged with a class B misdemeanor or above. This process was implemented in December 2015, and county officials are tackling challenges such as information sharing and staffing needs, as well as coordinating with a statewide data bank. Moving forward, an accurate assessment of prevalence will better inform Salt Lake County of the service and supervision needs of people booked into jail, as well as provide a baseline to measure progress in reducing the number of people with mental illnesses in their jail.

The Criminogenic Risk and Behavioral Health Needs Framework

With mounting research that demonstrates the value of science-based tools to predict a person's likelihood of reoffending, criminal justice practitioners are increasingly using these tools to focus limited resources on the people who are most likely to reoffend. At the same time, mental health and substance use practitioners are trying to prioritize their scarce treatment resources for people with the most serious behavioral health needs. A person who screens positive for mental illness and/or substance use should be connected to appropriate treatment at the soonest opportunity; however, when that person is also assessed as being at a moderate to high risk of reoffending, connection to treatment is an even higher priority, along with interventions such as supervision and cognitive behavioral therapy to reduce the risk of recidivism.

The framework depicted in Figure 1 outlines a structure for state and local agencies to consider how information about risk of reoffending, and substance use and mental health treatment needs can be considered in combination to prioritize interventions to have the greatest impact on recidivism.

FIGURE 1. THE CRIMINOGENIC RISK AND BEHAVIORAL HEALTH NEEDS FRAMEWORK



3. Do We Have Baseline Data?

Has the county established baseline measures of:

- The number of people with mental illnesses booked into jail
- Their average length of stay
- The percentage of people connected to treatment
- Their recidivism rates

Why it matters

Baseline data highlight where some of the best opportunities exist to reduce the number of people with mental illnesses in the jail, and provide benchmarks against which progress can be measured. Knowing **the current number of people with mental illnesses admitted** into the jail helps county leaders determine whether new prevention and diversion strategies are resulting in fewer jail bookings of people with mental illnesses. **Calculating the average length of stay** for people who screen positive for mental illness helps the county recognize whether people with mental illnesses are especially likely to languish in the jail. Tracking **connections to treatment** illuminates to what extent there is continuity in care, post release. Without a baseline **recidivism rate**, the county cannot assess whether investments in community-based supervision and treatment are reducing the rearrest and reincarceration rates among people with mental illnesses released from jail.

What it looks like

✓ **System-wide definition of recidivism:**

The planning team agrees on how it is measuring recidivism, recognizing that rearrest, convictions for a new crime, or the return to custody for violating conditions of release (i.e., technical violations) are each important, but distinct, ways of measuring whether a person engages in criminal activity and/or how law enforcement, the courts, and corrections respond to the behavior of someone released from jail and/or under community supervision. Agreeing on a definition of recidivism also requires using a consistent time period for reporting recidivism data (e.g., one, two, and/or more years).

In Practice: Adopting a Definition of Recidivism in Bexar, Dallas, El Paso, Harris, and Tarrant Counties, Texas

The five most populous counties in Texas follow the state's standard measure of recidivism as rearrest within one, two, and three years of release from jail. These counties use the same recidivism definition to measure recidivism for people diverted to community-based supervision or other alternatives to incarceration. These counties also frequently measure recidivism in additional ways, such as reincarceration for a violation of a condition of release, but agreeing on a common measurement of recidivism allows for consistency, which is critical for the purposes of this work.

✓ **Electronically collected data:** Data

that draw on results of screening and assessments that are conducted for each person admitted to jail are collected electronically to support ongoing analysis. In many cases, this analysis requires access to multiple databases. Some counties have navigated this situation by creating an integrated data management system. Others use a more “home-grown” data warehouse system, and still others may rely on a master spreadsheet approach. The end goal is to have the capacity to capture and analyze key data effectively.

✓ **Baseline data on the general population in the jail:** Data must be collected for people with and without mental illnesses, to provide a point of comparison that can be used to determine whether disparities between these populations exist in bookings, length of stay, or recidivism rates. These comparisons can be especially useful when data on both populations are disaggregated further by risk level, race, or gender.

- ✓ **Routine reports generated by a county agency, state agency, or outside contractor:** Reports containing information about the number of people with mental illnesses in jail, length of stay in jail, connections to treatment, and recidivism should not be a one-time deliverable. The baseline data should be generated with the understanding that this will be a report that is updated at least annually, using consistent definitions to track changes year to year.

Key Considerations for Developing an Integrated Data System

County officials must know the number of people booked into jail. For most counties, collecting and analyzing data, and doing so on a regular basis, is challenging, to say the least. It is not unusual for jail admission and release data to be in one information system maintained by the county, while arrest data may be found in a statewide database, and gathering information about people who have received community-based health services requires the cooperation of behavioral health care agencies. The gold standard for a system that enables a county to establish baseline data, share information, and track progress is an integrated system that allows multiple agencies to enter as well as access the data. A single, integrated information system also enables rich reporting that includes connections to treatment or other data related to a person's experience after he or she returns to the community. Some jurisdictions in the country have implemented a fully integrated system, while others have developed progressive systems that store and share data across agencies.⁹

It is essential for information technology (IT) staff to be involved in the planning discussion about developing an integrated data system. For some counties the IT staff may be a stand-alone department, for others it is a single person in the Sheriff's Office, and for others it might be a private contractor or local university research partner. The IT staff can assist the planning team to develop a programming solution to the challenge of tracking the flow of people with mental illnesses as they move through the criminal justice and behavioral health systems and receive treatment in the community. The system should also provide the ability to track recidivism for this population and to identify high utilizers of justice, behavioral health, and other social services.

In Practice: How Baseline Data Inform Planning

When a county analyzes the number of people with mental illnesses in the jail, the average length of stay in jail for this population, rates at which they are connected to treatment, and their rearrest rates—or determines whether this information can even be assembled—the findings help illuminate strategies that will deliver the greatest return on investments.

Jurisdiction	Metric	Finding	Action Taken
Bexar County, Texas	The number of people with mental illnesses in jail	County does not know how many people with mental illnesses are in the jail.	Bexar County established universal screening for mental illnesses.
New York City, New York	Length of stay	People with mental illnesses stayed in jail 112 days on average as compared to 61 days for those without mental illnesses.	New York City implemented early pretrial diversion options to move people with mental illnesses out of jail in a timely way.
Franklin County, Ohio	Connection to care post-release	More than one in three of people who had contact with the behavioral health care system in the year prior to their incarceration did not have contact with the behavioral health care system in the year following their release from jail.	The local Alcohol Drug And Mental Health (ADAMH) board established a jail liaison team to provide in-reach service to get follow-up appointments within two weeks of release.
Salt Lake County, Utah	Recidivism rate	One out of three people on pretrial supervision and one out of two people on county probation did not fulfill the requirements of their supervision.	Salt Lake County recommendations included establishing intensive supervision caseloads for people who are assessed as being moderate to high risk of reoffending and who are also assessed as having an SMI.

4. Have We Conducted a Comprehensive Process Analysis and Inventory of Services?

Has the planning team completed an exhaustive, end-to-end analysis of the system's processes from the point of law enforcement's contact with a person with a mental illness through final case discharge? Does the analysis go beyond the sequential intercept mapping exercise familiar to many counties that have reviewed what programs and services exist at arrest, booking, pretrial detention, release, and community supervision? Are decisions and actions—as well as failures to act—that contribute to the high prevalence of people with mental illnesses in jail flagged? Are existing services and supports in the community identified, along with those that are missing?

Why it matters

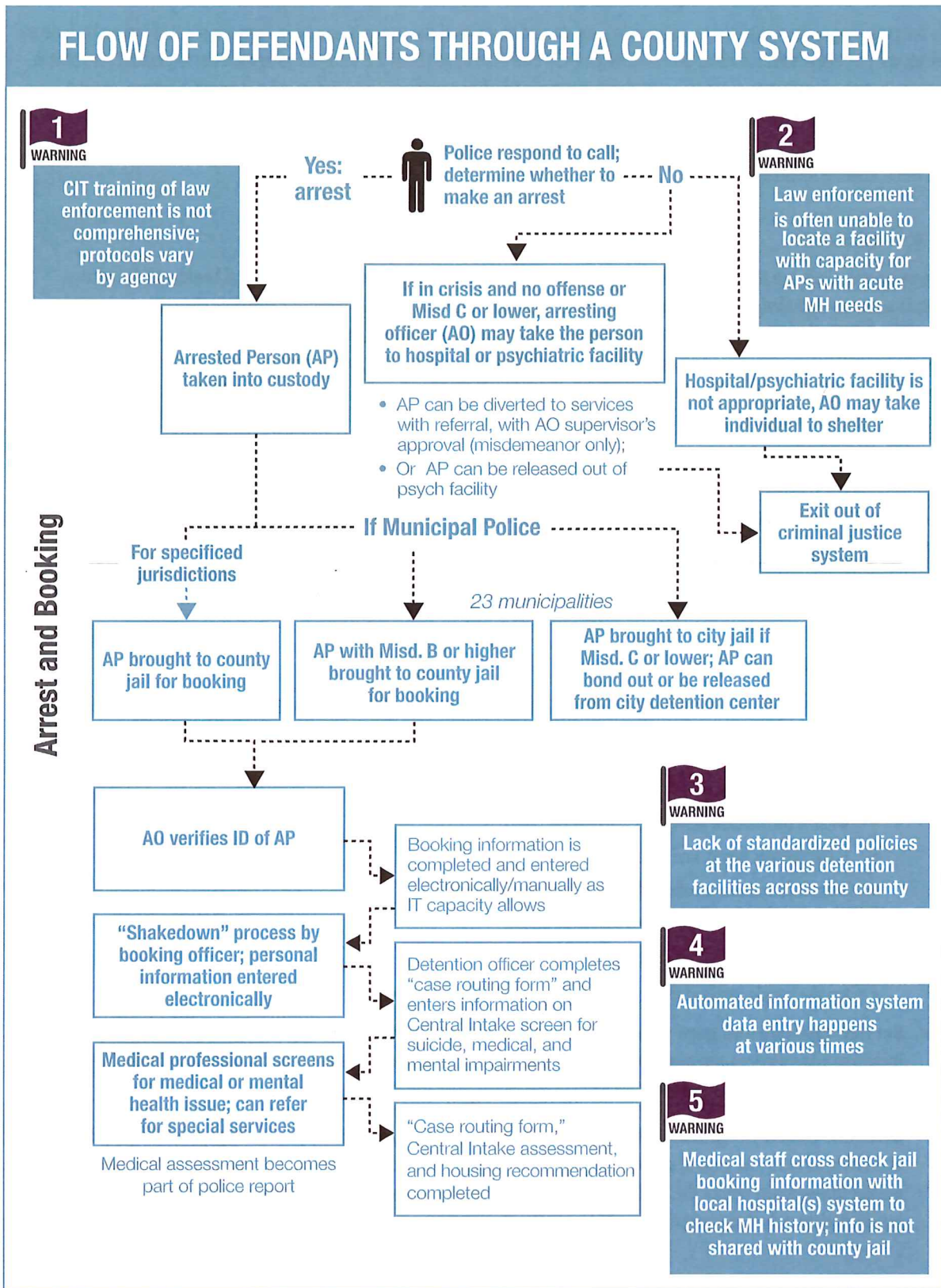
In every county, there is a timeline that includes the moment when a 911 call center receives a mental health call for service, or when a person identified with having a mental illness is booked into jail, or when defense counsel receives the results of that person's mental health screening—each an opportunity to improve the response to the person's mental health needs. Counties must create policies and processes that ensure that a person's mental health needs are accurately identified and the right type of information is shared appropriately and efficiently to inform key decisions related to diversion, pretrial release, specialized probation supervision, and connection to community-based services.

Without completing a comprehensive process analysis, these opportunities are often not identified and thus are missed. Timely information is not generated or shared appropriately, or perhaps a defense counsel, judge, or probation officer receives this information but does not use it to inform their decisions. The detailed, point-by-point system review helps county leaders determine where these breakdowns in process occur and where improvements can be made. Recognizing that successful implementation of a plan hinges on the accessibility of community-based treatment, which typically is in limited supply (if it exists at all) in most counties, it is important that an inventory of services and supports also be conducted.

What it looks like

- ✓ **Detailed process analysis:** The county planning team, perhaps organized into subcommittees, traces each step of a person's involvement in the justice system, from the moment when police receive a mental health (MH) call for service to the person's admission to jail to the person's release from jail and connection to community-based treatment, services, and supervision. At each decision point, the team asks questions such as:
 - What is the process associated with the decision?
 - Is the process timely and efficient?
 - What information is collected at that point in the process?
 - How is that information shared and with whom?
 - How is that information acted upon?
 - Are the people involved in each decision point trained in their role?
- ✓ **Service capacity and gaps identified:** The planning team identifies what options exist at each decision point, including crisis services, diversion opportunities, and community-based treatment, services, and supervision. The team also identifies what services are not available, or exist but do not meet capacity needs.
- ✓ **Evidence-based programs and practices identified:** County leaders are provided with a detailed description of existing services and gaps in services that apply the latest research about what works to meet the needs of people with mental illnesses and reduce the likelihood that they will commit a new offense. This scan of service capacity also reflects historical data or best estimates related to demand for these services.

FIGURE 2. A COUNTY'S PROCESS ANALYSIS FOR THE ARREST/BOOKING STAGE



5. Have We Prioritized Policy, Practice, and Funding Improvements?

Do key findings from the system analysis inform the development of action items? Are these action items realistically prioritized by county leaders to maximize the impact of existing resources and to identify new resources to reduce the number of people with mental illnesses in their jail?

Why it matters

County leaders should provide guidance to the planning team on how to make policy recommendations and budget requests that are practical, concrete, and aligned with the fiscal realities and budget process of the county. Routine communication with the people responsible for the county budget (e.g., county commissioners and other officials) engages these leaders in the planning team's ongoing efforts and increases the likelihood that the recommendations will be received favorably.

Recognizing the limitations (and opportunities) that distinct funding streams present is critically important. The planning team's budget proposal should identify external funding streams, including federal programs such as Medicaid, federal grant opportunities, and state block grant dollars as the first source for funding. Opportunities for local philanthropic support should also be considered. The final gaps in funding will represent new county investments.

What it looks like

- ✓ **Prioritized strategies:** For a county to reduce the prevalence of mental illness in jail, it must accomplish one or more of the following: **reduce the number of people with mental illnesses admitted to jail, reduce their length of stay, increase their connections to treatment, and reduce recidivism.** Drawing on the system analysis described earlier, the planning team determines the most achievable ways of accomplishing one or more of these goals, with an emphasis on strategies that impact people with the most serious behavioral health needs who are also at the highest risk of reoffending. [See Figure 1]
- ✓ **Detailed description of needs:** Per county leaders' guidance, the planning team submits a proposal to the county board related to its identified priorities. If necessary, the planning team's proposal identifies the need for additional personnel, increased capacity for mental health and substance use treatment services and support services, such as housing and employment, and infrastructure improvements, such as information systems updates and training. All programming requests include evidence-based approaches that are carefully matched to the particular needs of the population. The proposal addresses implementation considerations regarding staffing requests such as staff placement and supervision, whether personnel are sworn or unsworn, whether mental health clinicians are behavioral health agency employees who are embedded in the jail or community supervision agencies, or if outsourcing to private providers is an appropriate option.
- ✓ **Estimates/projections of the impact of new strategies:** At a minimum, the plan projects the number of people to be served and explains to what extent new investments made will affect one or more of the following key measures:
 - Reduce the number of people with mental illnesses booked into jail
 - Reduce the length of time people with mental illnesses remain in jail
 - Increase connections to treatment
 - Reduce recidivism

The county commission does not endorse a plan that does not set out to meet these requirements. If policies or programs are adopted that do not address the key measures, the county cannot expect to reduce prevalence rates. The proposed strategies include an impact analysis that describes the number of people to be served and the estimated improvement in services.

Key Considerations for Training

Training is an ongoing process that is critical to implementing and sustaining new policies and programs. The implementation of evidence-based practices, such as risk assessment or curriculum-based interventions, necessitate adherence to training requirements to ensure fidelity. If a program or practice is implemented without a plan for quality assurance that includes training, the anticipated outcomes of the intervention will be jeopardized. A county's training plan should include a regular check for current certifications, refresher training, and internal coaching to maintain quality and consistency. Many "off-the-shelf" curricula include web-based training that can help a county provide necessary training on a meaningful scale.

- ✓ **Estimates/projections account for external funding streams:** The plan describes to what extent external funding streams can be leveraged to fund new staff, treatment and services, and one-time and ongoing costs. These external funding sources may include:
 - Federal program funding, including Medicaid, veterans' benefits, and housing assistance
 - State grants for mental health and substance use treatment services
 - Federal and state discretionary grants
 - Local philanthropic resources
- ✓ **Description of gaps in funding best met through county investment:** Per budget process guidelines, the planning team's proposal should include specific suggestions for how county funds can meet a particular need, or fill a gap that no other funding source can.

In Practice: How Process Analysis Informs Planning

Jurisdictions that have completed an analysis of their jail population have identified key findings and related system-wide responses that can potentially help to reduce the number of people with mental illnesses in their jails.

Identified Gap	Data Illustrating Gap	Objective	Measure Addressed	Projected Cost and Identified Sources of Funding	Data to be Tracked
Crisis Intervention Team (CIT)-trained officers are not available to provide 24/7 coverage	Number of mental health calls for service that did not have CIT-trained officers	Increase level of trained CIT officers to achieve 24/7 coverage	Measure #1: the number of people with mental illnesses booked into jail	Cost: Specialized one-week training of 25 officers at a time; overtime (OT) costs for the officers; training materials Funding: Local law enforcement assumes the cost for OT, all other costs shared by participating agencies on pro-rated formula	Number of mental health calls; percent of calls responded to by CIT-trained officers; number of calls disposed of without jail booking Compare against baseline data of the number of people booked into jail who are screened for mental illness
Specialized probation supervision alternatives are not available for people identified with SMI and moderate-to-high-criminogenic risk	Number of probation revocations for this population, including for technical violations and new crimes	Develop specialized caseload that is co-supervised by probation staff and a mental health professional	Measure #4: recidivism	Cost: Full-time probation officer and mental health professional staff; other staff-related needs, such as space and equipment Funding: Determine whether low-risk caseloads can be consolidated to create capacity for specialized caseloads; identify potential grant opportunities; determine whether Medicaid funding can be utilized for case management	Track the number of probation revocations; track successful probation completion rates; track recidivism rates for people assigned to special caseloads

6. Do We Track Progress?

Is there an established process for tracking the impact of the plan on the four key outcomes (the number of people with mental illnesses booked into jail, their length of stay in jail, connections to treatment, and recidivism)?

Why it matters

Once planning is completed and the prioritized strategies are implemented, tracking progress and ongoing evaluation begin.¹⁰ The planning team must remain intact and the project coordinator must continue to manage the implementation of the new strategies. Monitoring the completion of short-term, intermediate, and long-term goals is important, as it may take years to demonstrate measurable changes in prevalence rates. Showing evidence of more immediate accomplishments, such as the implementation of new procedures, policies, and evidence-based practices, contributes to the momentum and commitment necessary to ensure this is a permanent initiative. Tracking outcome data also gives the planning team the justification necessary to secure continuation funding and/or additional implementation funding. Outcome data should be included in any budget requests to provide justification for continued or additional funding.

What it looks like

- ✓ **Reporting timeline on four key measures:** County leaders receive regular reports that include the data that is tracked, as well as progress updates on process improvement and program implementation.
- ✓ **Process for progress reporting:** The planning team continues to meet regularly to monitor progress on implementing the plan. The project coordinator remains the designated facilitator for this process and continues to coordinate subcommittees involved in the implementation of the policy, practice, and program changes, as well as to manage unforeseen challenges. As it may take several years to demonstrate significant change in prevalence rates, it is important to capture incremental progress, including policy and system improvements, such as implementing screening and assessments, establishing connections to treatment, and developing data tracking capacity. In addition, the planning team remains abreast of developing research in the field and the introduction of new and/or improved evidence-based strategies for consideration.
- ✓ **Ongoing evaluation of programming implementation:** The evidenced-based programs adopted by the county are implemented with fidelity to the program model to ensure the highest likelihood that these interventions will achieve the anticipated outcomes. A fidelity checklist process ensures that all program certifications and requirements are maintained, and that ongoing training and skills coaching for staff are provided.
- ✓ **Ongoing evaluation of programming impact:** Particularly for curriculum-based programming and screening and risk assessment, it is important to assess whether the activity is achieving what was intended. Many counties establish a relationship with a local university to assist with research and evaluation, as well as with the validation of screening and risk tools.

In Practice: Using Data to Sustain Your Program in Johnson County, Kansas

In 2008, Johnson County, Kansas, began an effort to reduce the number of people with mental illnesses in its jail with the establishment of a Criminal Justice Advisory Council (CJAC) that, as a first project, studied how people with mental illnesses moved through the county's justice system. After process mapping and data analysis was completed, the county decided to pilot a "Co-Responder Program" to deploy a mental health professional to respond to law enforcement calls for service involving people with mental illnesses. The program was funded through a 2010 federal Justice and Mental Health Collaboration Program (JMHCPC) grant that supported a collaborative effort among the City of Olathe (Kansas) Police Department, the Johnson County Mental Health Center, and the Johnson County Sheriff's Office. Upon completion of the grant in 2013, a comparison of 2010/2011 data (the year prior to the implementation of program) to 2011/2012 data showed:

- 808 contacts were made by the co-responder; 10 resulted in a jail admission
- Hospitalizations decreased from 54 percent to 17 percent
- Referrals to services increased from 1 percent to 39 percent

Over the period of the grant, repeat calls for service to the same address are estimated to have decreased 20 percent. Through a survey, Olathe Police Department officers reported marked improvement in their ability to respond to the needs of people with mental illnesses. It was the top priority of the Olathe Police Chief, Steven Menke, to fully fund the co-responder position, which was approved by the Olathe City Council.

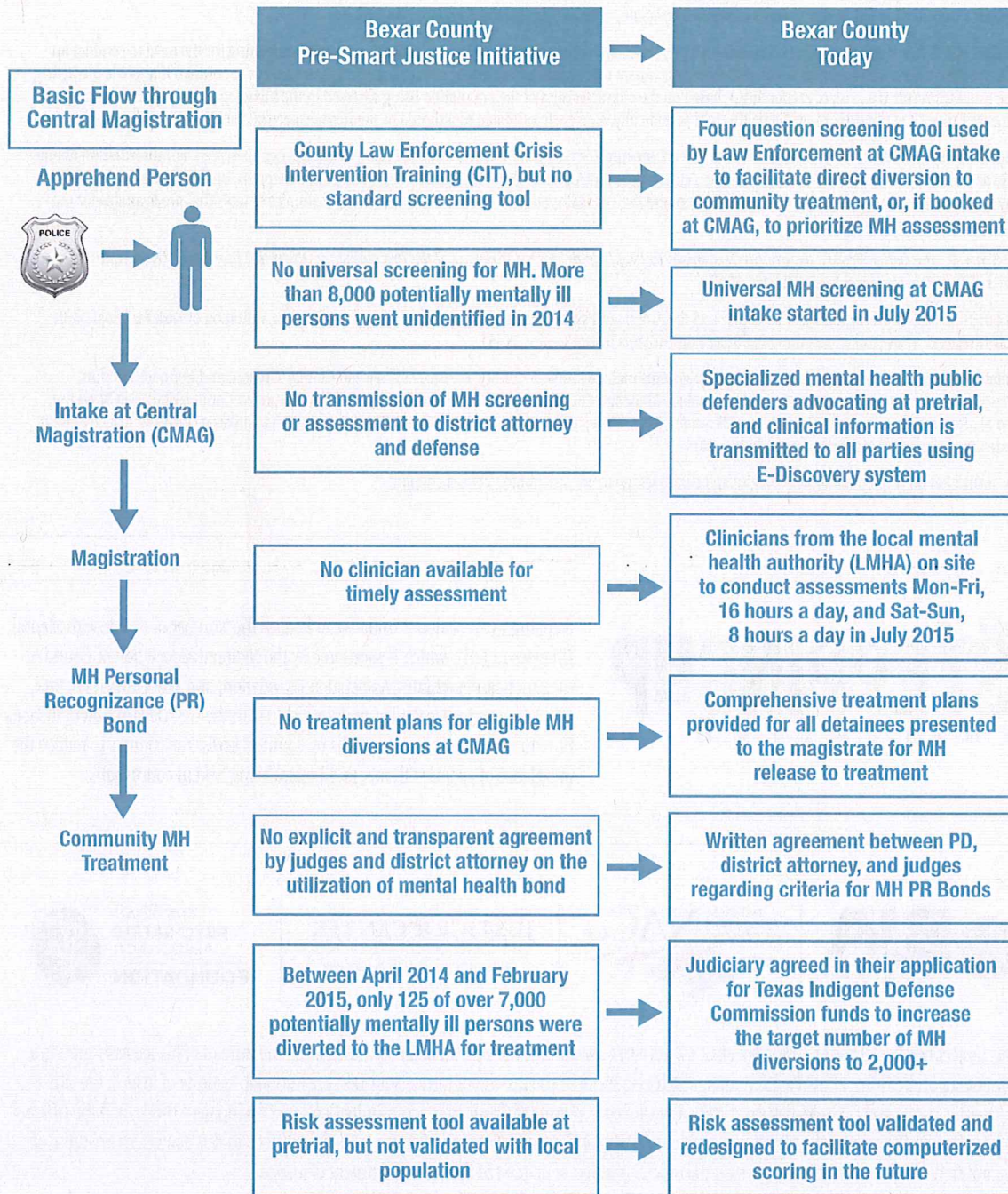
In 2013, a JMHCPC Expansion Grant was awarded to expand the program to the City of Overland Park, Kansas. On completion of the grant, a comparison of 2013/2014 data (the year prior to the implementation of the program) to 2014/2015 data showed significant improvements:

- 1,281 contacts were made by the co-responder; 25 resulted in a jail admission
- Hospitalizations decreased from 35.1 percent to 3.1 percent
- Officer surveys showed a 59-percent increase in officers feeling prepared to respond to calls involving people with mental illnesses

The Overland Park City Commission approved fully funding the co-responder position upon completion of the grant. The use of data to demonstrate the effectiveness of the Co-Responder Program proved essential to establishing continuation funding, as well as to efforts to grow the program county wide.

In Practice: A County Demonstrates Progress

Below is an example of findings and the resulting responses that have taken place in Bexar County, TX.



Endnotes

¹ <https://www.hrw.org/news/2006/09/05/us-number-mentally-ill-prisons-quadrupled>.

² *Diagnostic and Statistical Manual of Mental Disorders: DSM-5*. Washington, D.C.: American Psychiatric Association, 2013.

³ <http://www.nimh.nih.gov/health/statistics/prevalence/serious-mental-illness-smi-among-us-adults.shtml>.

⁴ Resolutions may need to follow the county's prescribed template; alternatively, see the Stepping Up [template](#).

⁵ Validation of a screening tool requires completing a study based on data analysis to confirm if a tool is accurately screening for the need to conduct an additional assessment. Validation of a risk and needs assessment tool requires completing a study based on data analysis to confirm if a tool is predicting for the intended result (i.e., risk of reoffending), based on the characteristics of the population being assessed in the jurisdiction. As populations may change over time, it is important to validate this tool periodically. A properly validated tool should be predictively accurate across race and gender.

⁶ For information about the Brief Jail Mental Health Screen, see <http://www.prainc.com/?product=brief-jail-mental-health-screen>. For information about the Texas University Drug Screen V, see <http://ibr.tcu.edu/wp-content/uploads/2014/11/TCUIDS-V-sg-v.Sept14.pdf>. Stepping Up does not endorse the use of any specific tools; the Brief Jail Mental Health Screen and the Texas Christian University Drug Screen are examples of tools that are available for use without proprietary requirements.

⁷ Fader-Towe, H. and Osher, Fred C. *Improving Responses to People with Mental Illnesses at the Pretrial State: Essential Elements*. (New York: The Council of State Governments Justice Center, 2015)

⁸ The Council of State Governments Justice Center and the American Psychiatric Association Foundation, "On the Over-Valuation of Risk for People with Mental Illnesses." (New York, The Council of State Governments Justice Center, 2015).

⁹ Jurisdictions considered to have fully integrated data systems include Johnson County, Kansas, Multnomah County, Oregon, and Hennepin County, Minnesota. Jurisdictions with progressive systems include Maricopa County, Arizona, Salt Lake County, Utah, and Camden County, Utah. See Borakove, Elaine M., Robin Wosje, Franklin Cruz, Aimee Wickman, Tim Dibble, and Carolyn Harbus. "From Silo to System: What Makes a Criminal Justice System Operate Like a System?" MacArthur Foundation, 2015.

¹⁰ For information on implementation strategies and examples, go to www.stepuptogether.org/toolkit.



Stepping Up: A National Initiative to Reduce the Number of People with Mental Illnesses in Jails—which is sponsored by the National Association of Counties, the American Psychiatric Association Foundation, and The Council of State Governments Justice Center, in partnership with the U.S. Department of Justice's Bureau of Justice Assistance—calls on counties across the country to reduce the prevalence of people with mental illnesses being held in county jails.



This project was supported by Grant No. 2012-CZ-BX-K071 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, the Community Capacity Development Office, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

To learn more about the Bureau of Justice Assistance, please visit bjia.gov.