
Presentation to Senate Public Health and Welfare Committee

Status of Forensic Competency Admissions

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State Security Program

- Known as the State Security Hospital, SSP is budgeted for 140 beds with a current capacity of 100 adult male and female patients charged with felony crimes. The reduction in capacity is a result of staffing shortages.
- District Courts refer individuals pursuant to the Kansas Code of Criminal Procedure for criminal evaluations, competency restoration, treatment in lieu of confinement, or lack of mental state, in addition to a small number of females transferred from the Kansas Department of Corrections (KDOC).
- SSP includes the Security Behavior Unit (20 beds). This unit serves male patients administratively transferred from Osawatomie State Hospital (OSH) or the Larned Psychiatric Services Program (PSP) who cannot be managed in a less restrictive environment, come from jail on a hold order with a high-level crime, or are a threat of harm toward patients or staff. Once their behavior is stabilized, they are transferred back to OSH or PSP.
- KDADS oversees Larned State Hospital which includes the State Security Program (SSP). SSP is the primary treatment location for defendants referred by criminal courts in Kansas. Criminal defendants can also be referred to Osawatomie State Hospital for competency treatment.

State Security Program Admissions

When a defendant may not be competent to stand trial, K.S.A. 22-3302 allows a judge to commit that defendant to the state security hospital at Larned State Hospital (LSH) for their competency to be evaluated.

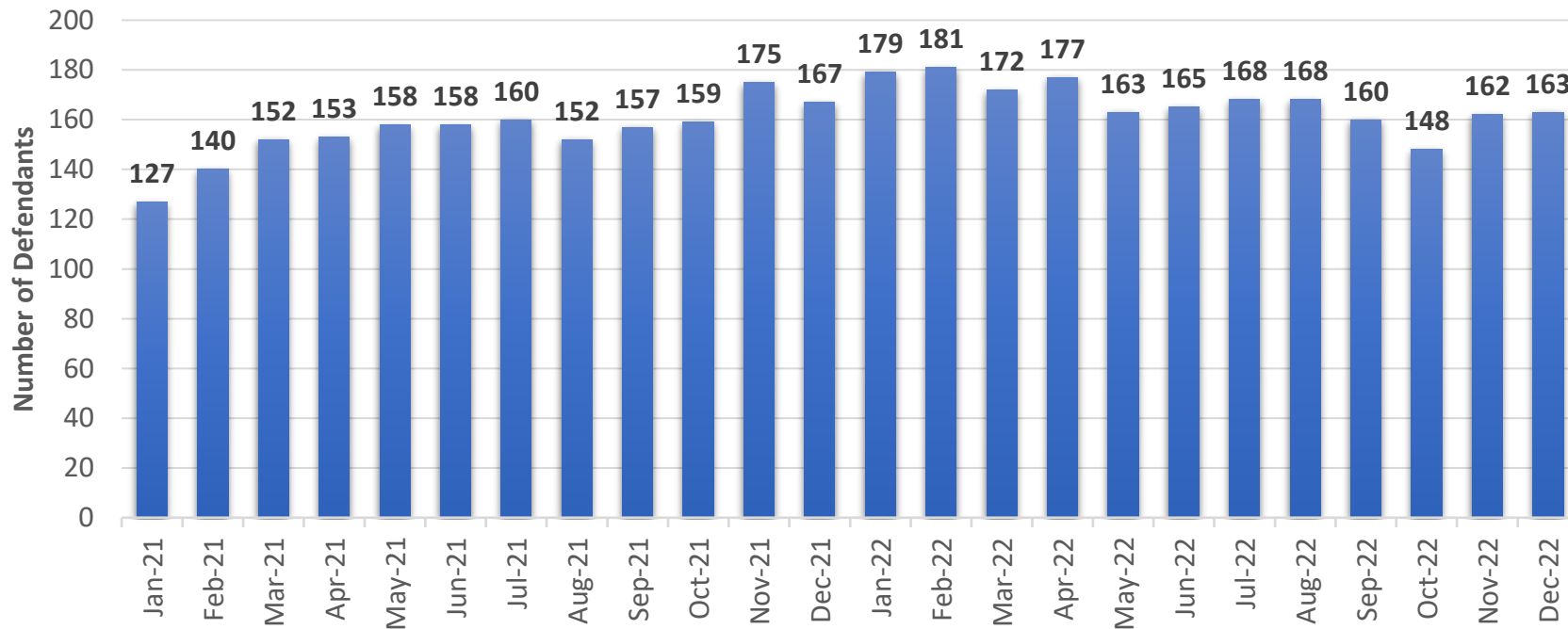
The staff at LSH review the individual's symptoms and conditions, complete an evaluation and provides a subsequent report to the court providing an opinion about the defendant's ability to participate in their defense and criminal case.

If the defendant is not competent, the court can then commit the defendant under K.S.A. 22-3303, to the state security hospital to receive competency restoration treatment. The treatment goal is to restore the defendant's competency so the criminal case can proceed.

If the defendant cannot be restored to competency, the Secretary of KDADS is directed to file a care and treatment case to move that defendant to the Psychiatric Services Program at Larned or to Osawatomie State Hospital for involuntary care and treatment and ongoing competency treatment.

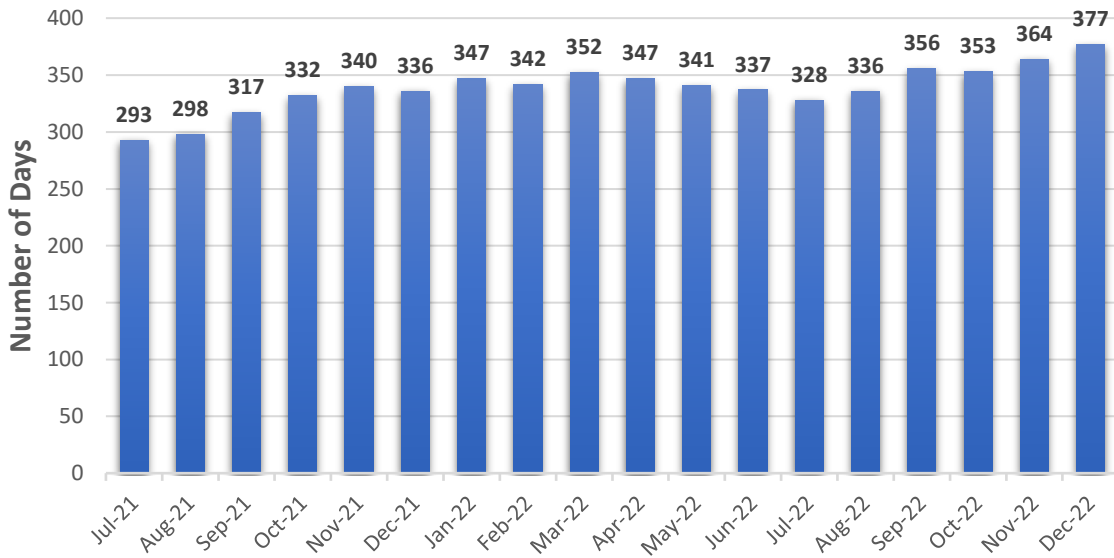
Larned State Hospital

SSP Total Number of Defendants on Wait List 2021 and 2022

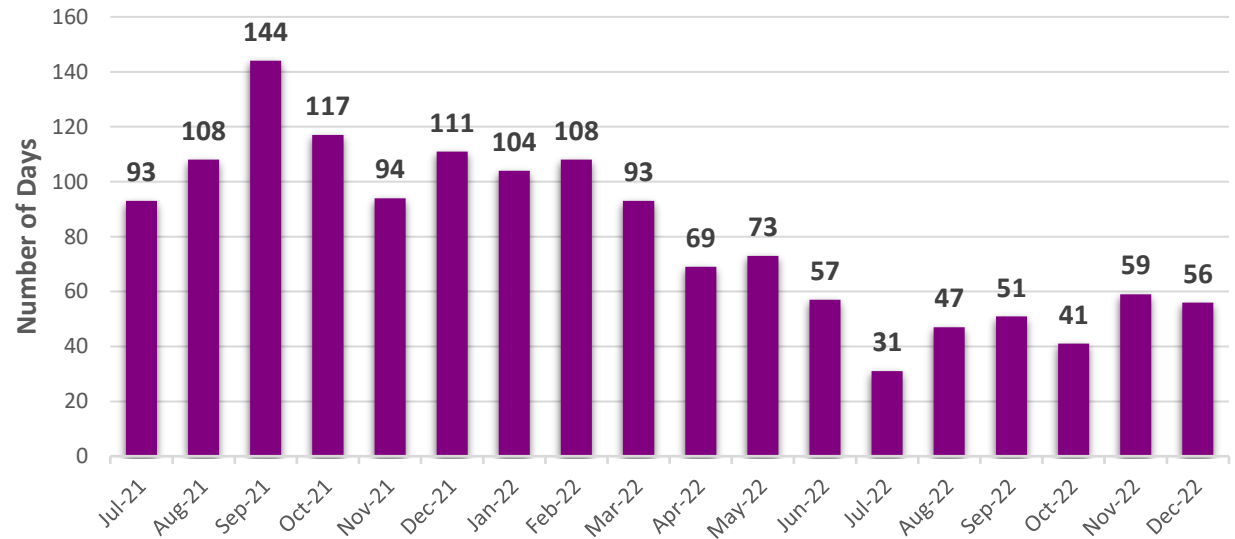


Larned State Hospital

SSP Average Length of Time on Wait List to Admission (Male)
July 2021 - December 2022



SSP Average Length of Time on Wait List to Admission (Female)
July 2021 - December 2022



Defendants Waiting in Jails

Difficulties:

Defendants ordered through the District Courts are waiting for evaluation and treatment at LSH or OSH in county jails across Kansas.

The expense of holding defendants in jail are managed by the counties that have legal responsibility for the defendant.

Access to mental health treatment in county jails varies across the state with no services in some areas.

The wait time for admissions slows the criminal court process for those defendants that either wait to have their competency to stand trial evaluated or be restored sufficiently for the criminal process to proceed.

Contributing Factors:

COVID-19 closing criminal courts.

Delays in court orders to move defendants from competency evaluation to restoration after being found not competent.

Statutory limits on medication over objection unless a defendant is in mental health crisis or dually committed with a care and treatment order.

Travel time to and from LSH or OSH (serving 105 counties across KS).

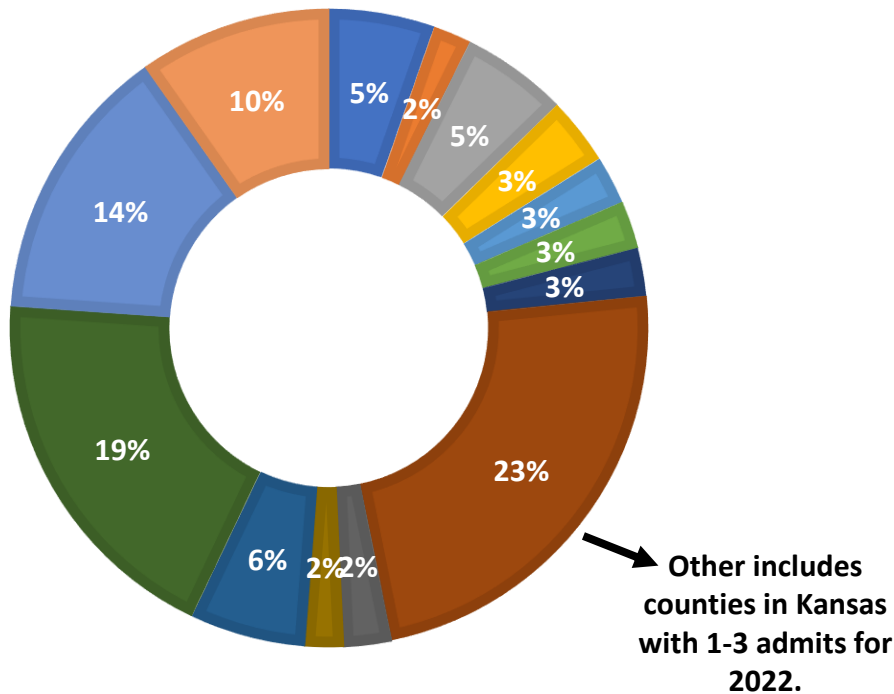
Worsening of mental health across the nation, including Kansas.

Workforce challenges not only in jails but also of direct care hospital staff as well as forensic evaluators, psychologists, psychiatrists, etc.

Larned State Hospital

SSP ADMISSIONS BY COUNTY
JAN - DEC, 2022

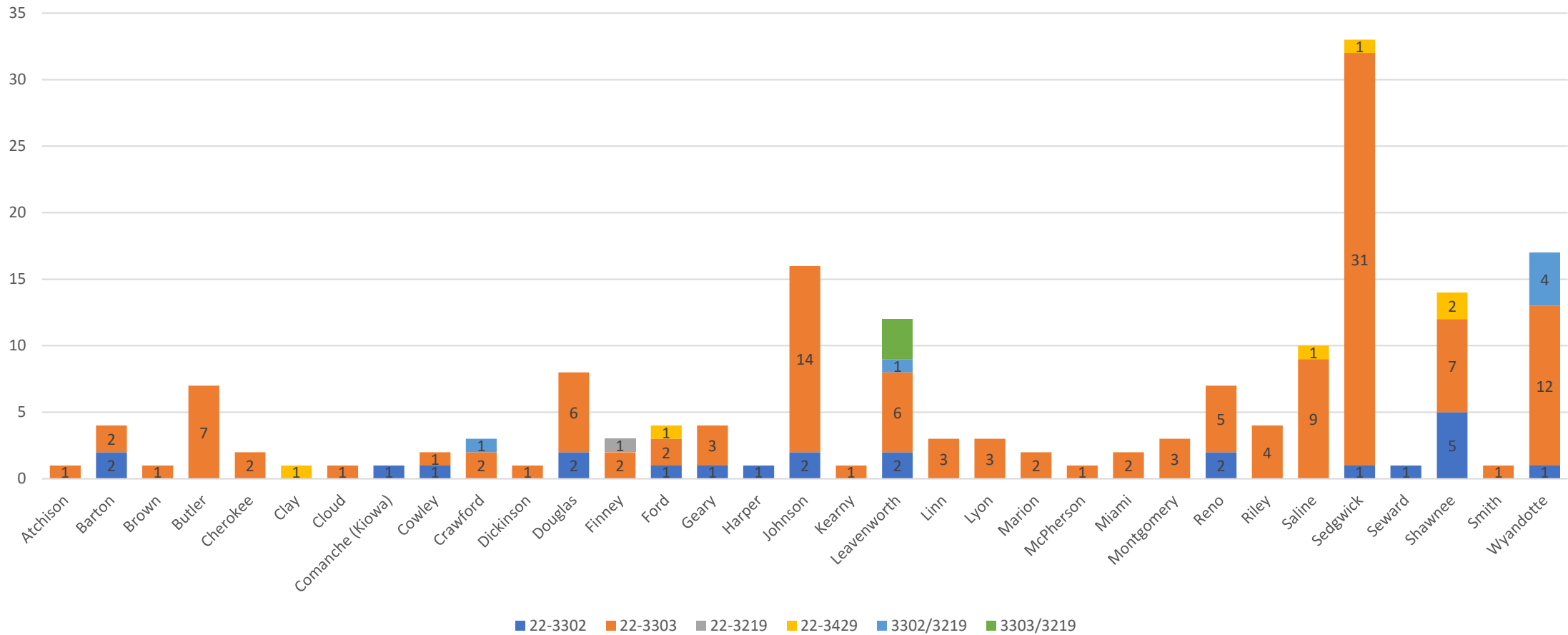
- Douglas
- Geary
- Johnson
- Leavenworth
- Lyon
- Miami
- Montgomery
- Other
- Reno
- Riley
- Saline
- Segwick
- Shawnee
- Wyandotte



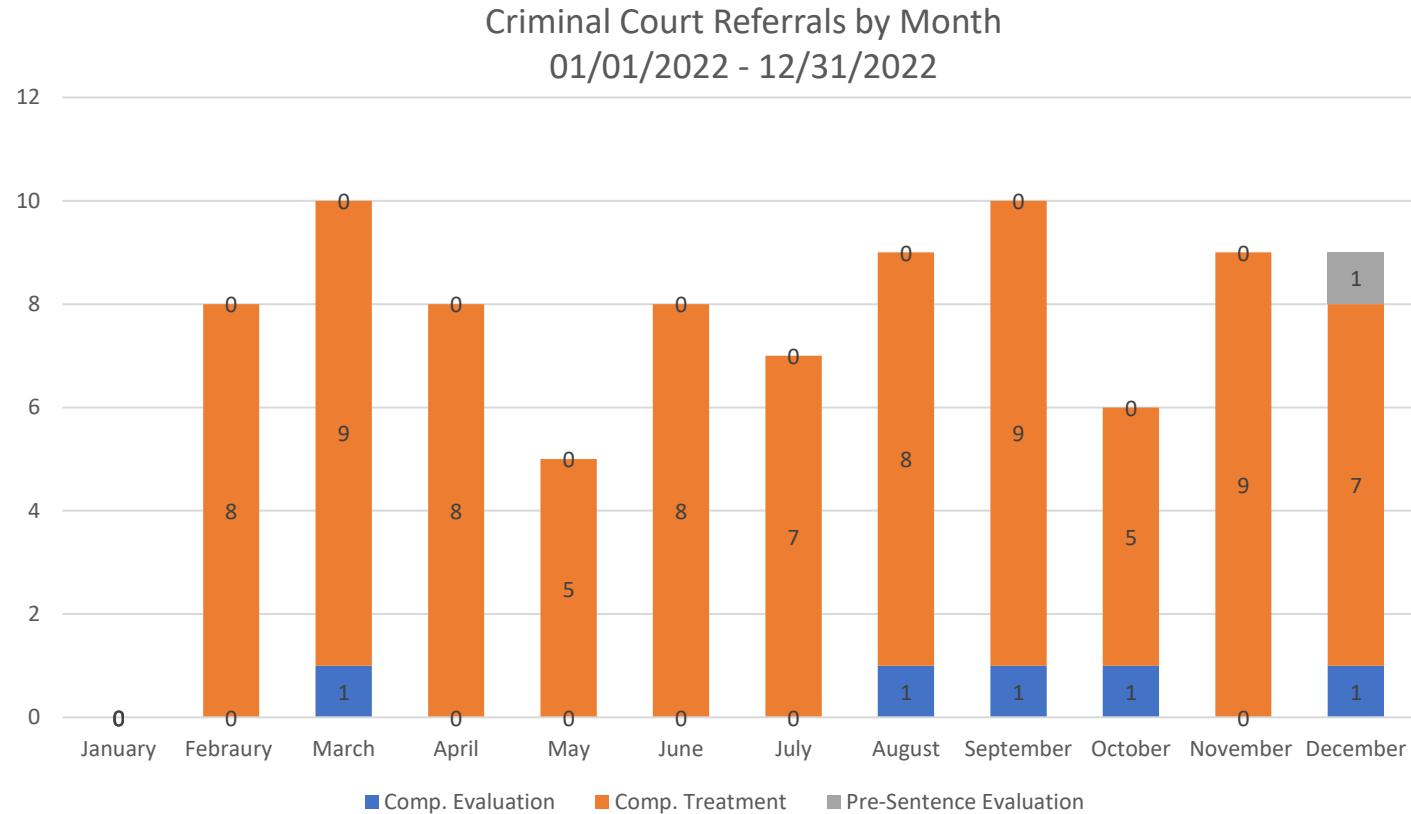
Admissions Jan-Dec, 2022	
Douglas	11
Geary	4
Johnson	11
Leavenworth	7
Lyon	5
Miami	5
Montgomery	5
Other	48
Reno	5
Riley	4
Saline	12
Sedgwick	39
Shawnee	29
Wyandotte	20

State Security Program Waitlist by County of Referral

Male Defendants as of January 20, 2023

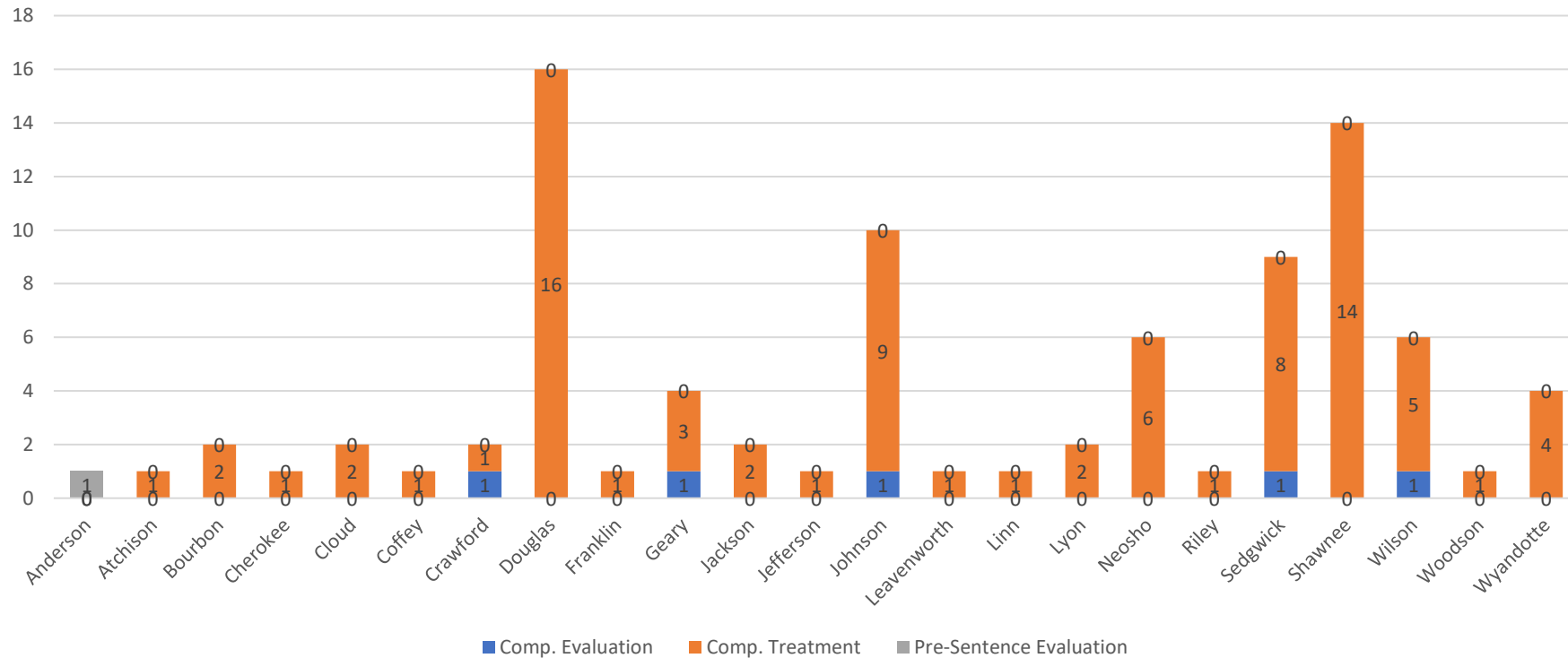


OSH Criminal Court Referrals



OSH Criminal Court Cases

Criminal Court Referrals by Responsible County
01/01/2022 - 12/31/2022

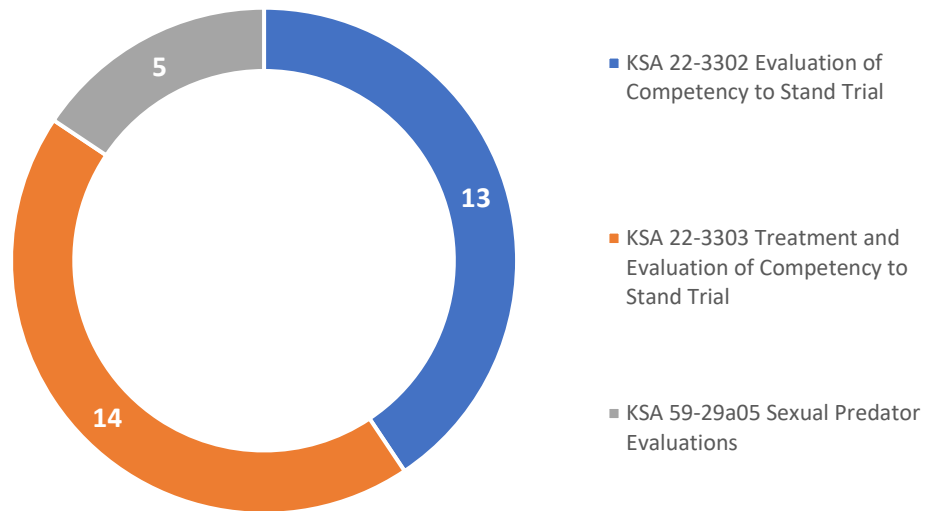


SSP Mobile Competency (Out-Patient)

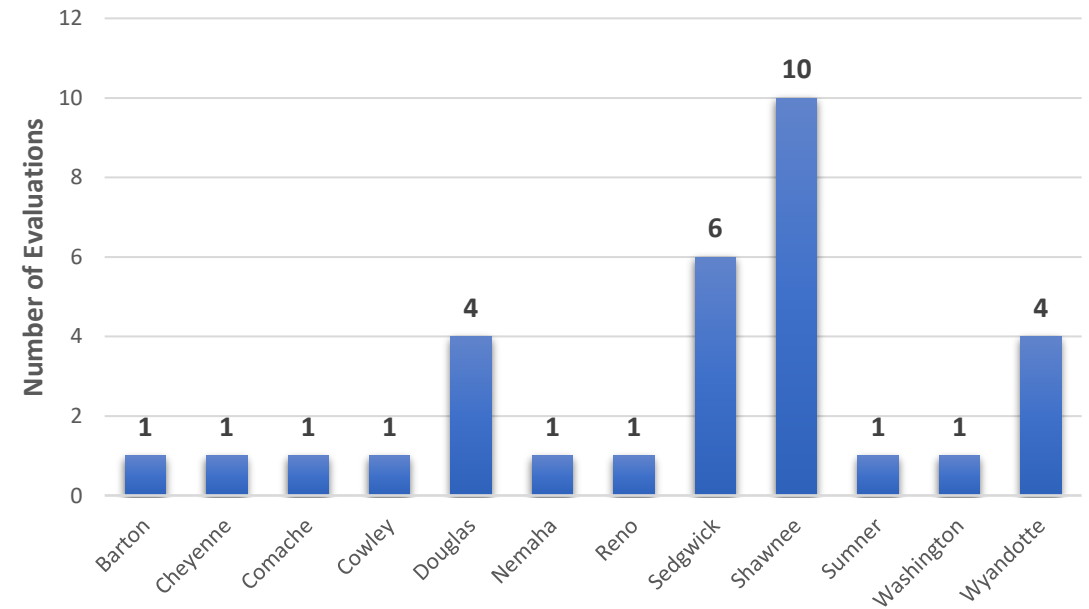
- The State Security Program (SSP) continues to review referrals from the District Courts and considers each case for possible completion through mobile competency in other secured or community settings outside of LSH, partnering with District/County Attorneys, jails and courts. LSH has established a position that is focusing on the SSP wait list in efforts to collaborate with courts and jails and increase mobile competency usage throughout the state.
- SSP continues to provide a monthly report to the Sheriff's Association outlining current status of individuals waiting for placement at the hospital, including the number waiting and length of time on the wait list.
- Partnerships have been established with 33 counties thus far to provide mobile competency evaluations and treatment in the community.
- SSP has worked in partnership with Douglas, Geary, Leavenworth, Sedgwick, Shawnee, and Wyandotte Counties on pilot projects providing competency restoration services in the jail. Similar pilot projects are being developed with Butler and Johnson Counties to provide mobile competency in additional secure locations.
- LSH has hired a remote psychologist to provide individual and group competency restoration sessions in jails or other secure locations. This individual also completes forensic evaluation reports for individuals participating in mobile/outpatient competency restoration.

SSP Mobile Competency (Out-Patient)

Types of Mobile Competency Evaluations Completed January - December 2022



Number of Mobile Competency Evaluations Completed per County January - December 2022



Additional Resources in FY 2023

The Approved FY 2023 Budget includes an \$2.8 million from the State General Fund to expand the pool of providers to conduct mobile competency evaluations and competency restoration services.

The funding would be used to increase evaluators and mobile competency opportunities, which could include contracts with Community Mental Health Centers (CMHCs) to partner with local law enforcement and district courts to complete forensic competency reviews for criminal defendants without transporting or waiting for space at Larned State Security Hospital.

The contract is structured to allow mental health providers to design services in cooperation with courts and jails to complete competency evaluations needed by courts to continue criminal cases with shorter delays. These agreements would increase the capacity in communities around Kansas to perform competency evaluations and potentially restoration services in jails that are interested and able to serve defendants in their home counties rather than transporting to LSH.

Investing funds to reduce the waiting time for evaluation and restoration, criminal cases will move more quickly through the process resulting in reduced housing of mentally ill persons in jails. Reducing the backlog in cases will reserve the space for forensic treatment at Larned State Hospital for the most severe cases and for the defendants criminally committed to LSH.

Regional State Hospital Project

The FY 2023 Governor's Budget Recommendation included \$15 million from the State General Fund (SGF) to contract and build regional acute adult inpatient psychiatric capacity.

- 2022 budget proviso created the Special Committee on Mental Health Beds. The committee recommended release of \$15 million SGF to construct up to 50 inpatient beds in the Sedgwick County area.
- State Finance Council (SFC) released the \$15M to KDADS on December 21.
- KDADS has hired a project manager to work on the project.
- 25 beds for forensic competency evaluations / 25 beds for acute inpatient psychiatric.
- Working with Sedgwick County to build or renovate a facility in the area that will be operated by KDADS.
- The Special Committee also recommended:
 - Capacity to for future expansion beyond 50 beds.
 - \$5M fund for a two-year pilot, administered by KDADS, to reimburse hospitals and jails that are observing patients waiting on transfer to state hospitals.