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**OFFICE OF THE LEGISLATIVE AUDITOR**  
STATE OF MINNESOTA

**Evaluation Report Summary / March 2016**

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# **Mental Health Services in County Jails**

## **Key Facts and Findings:**

Problems with service availability in

have persisted for years, limiting peace

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## Report Summary

taken into custody by law enforcement who have not yet had a criminal trial. They also confine persons who have sentences of up to one year. Courts have ruled that jails

inmates with serious medical issues, including mental health problems.

The Minnesota Department of Corrections (DOC) requires jails to report information on the number of inmates referred for mental health evaluations. However, the data collected have not been complete or reliable, and we recommend that the department ensure better reporting. Lacking good information on how many jail inmates have mental illness, we solicited information from county sheriffs about their inmate populations. Their estimates suggested that at least one-third of jail inmates take medications for a mental illness.

Among persons who received publicly funded services in Minnesota for a serious

some standards adopted by the corrections profession, but there are important areas in which the rules and standards do not align.

For example, professional standards suggest that jails should assess the mental health of inmates within prescribed periods after admission; state rules have no such requirements. Professional standards recommend the development of treatment plans for inmates with mental illness, but state rules do not require this. We recommend that DOC update its jail rules. In some areas like mental health assessment we think the Legislature should amend state law to ensure prompt implementation of changes.

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**Services in jails for persons with mental illness are limited.**

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In surveys we conducted, a majority of

services directors said that jail inmates with mental illness should have better access to psychiatric services, counseling, and case management services.

jail inspections have identified

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additional 20 days for a decision on civil commitment.

State law says that individuals who are awaiting court decisions on their commitment cannot be in jail, unless a court finds this necessary to protect the life of the individual or others. But we found that 63 percent of incompetent defendants we tracked were in jail while awaiting commitment decisions typically for at least a week. Counties should develop placement options so that incompetent individuals awaiting civil commitment do not sit in jail.

commitment is higher than the standard for incompetency. We found that in most cases where someone was found incompetent, no commitment petition was filed or the court did not commit the person. These individuals may simply have been released from custody, and it is unclear whether their mental health issues were addressed.

We recommend that the Legislature create a special commitment process so that persons charged with felonies or gross misdemeanors who are found incompetent could be immediately placed by a court in competency treatment. Those deemed incompetent for misdemeanor charges would be referred to a county human services agency for follow-up.

We also recommend that DHS implement competency restoration services in a full

range of settings. Currently, nearly all security inpatient facilities, which may not be necessary for all cases.