



Mental health issues drive some Kansans to repeated jail stays

While resources vary by county, some jails connect inmates with additional treatment options

B [Meg Wingerter](#) | October 26, 2016

Editor' note: Reporters from the [Topeka Capital-Journal](#) and KHI News Service collaborated for a six-month exploration of how the state's legal system deals with people with mental illness. This is one of the stories in a four-day series.

For more than 20 years, the Douglas County jail was almost a second home for Kenneth Brouhard.

The Lawrence man was in and out of the facility nearly 30 times between 1990 and his last conviction for aggravated sexual battery about three years ago.

He might still be trapped in that cycle if not for an intensive mental health treatment program that helped him break it.

"I've been in and out of the Douglas County jail since it's almost been opened (in 1999)," he said. "I didn't want to be looked at just as a criminal. I just wanted to be done with all my troubles."

Brouhard was fortunate that his encounter with the criminal justice system was in a county that offered such a program for inmates. For many others with

mental illness, a county jail was the last place they could expect to find the help they needed.

“Joe,” a Johnson County man who asked not to be identified, was arrested in 2003 after hitting his wife on the back when she tried to pull him out of bed in the morning. At the time, he was being treated for depression.

“My wife had reason to believe when she called 911, she was going to get help getting me to the hospital,” he said.

Instead, he spent 10 days on suicide watch in the county jail. He didn’t start improving until he was discharged for treatment at Shawnee Mission Medical Center.

“The real thing that I look back on is that people who are in mentally perilous positions, especially if they don’t have a lot of resources, they get medication and not much else” in jail, he said.

Treatment and training

County jails have become the default mental health provider in many communities since the 1990s, when Kansas and many other states closed state hospital beds with the idea that people with mental illnesses could be better treated in their communities.

The new system worked well for many Kansans with mental illness, although others struggled to get the help they needed and instead found themselves ensnared by the criminal justice system.

Some Kansas counties are responding to the problem. Douglas County has a standing contract with the Bert Nash Community Mental Health Center in Lawrence to provide mental health care to those in the county jail who need it.

Sgt. Kristen Dmacek, public information officer for the Douglas County Sheriff’s Office, said everyone processed into the jail gets a mental health assessment. Anyone who exhibits symptoms are then seen by a Bert Nash clinician.

The county also provides special mental health training to its jail staff and sheriff’s officers. The officers are trained to spot symptoms of mental illness so

that the county can divert people in crisis to treatment rather than charging them with a crime and hauling them to jail, D'Amore said.

Even so, she said, the number of people with mental illness serving time in jail continues to increase.

Brouhard, the Lawrence man who had been in and out of the Douglas County jail since 1990, said the treatment he received while incarcerated was helpful. But it was a more intensive, outpatient program operated by Bert Nash that really made a difference.

After Brouhard was released from jail, staff at the mental health center helped him find housing and buy work boots. They also checked in from time to time, which helped him avoid turning to alcohol again when his symptoms worsened earlier this year, he said.

"If I didn't have that kind of help, I wouldn't be here right now," he said.

Some police departments and courts have started programs to avoid arresting people with mental illnesses or to help them avoid incarceration if they comply with treatment orders and other conditions. Those programs are limited to some of Kansas' largest counties, however, and smaller communities have few alternatives to jail.

Fifty miles from the suburbs of Johnson County, Travis Wright oversees the jail for the Atchison County Sheriff's Office. He said some people with mental illnesses have been through the county jail so many times that they greet him when their paths cross at the store.

Wright would prefer if the faces weren't so familiar. Atchison County inmates had an average of 4.6 jail stays in 2014, with some inmates being booked in only once and some returning almost as soon as they were released. Like Brouhard in Douglas County, many of the "repeat customers" have mental health issues that drive them back to the jail over and over again, he said.

"I was shocked at it," he said. "I couldn't believe (the average) was that high."

Unfortunately, Wright said, police and sheriff's deputies don't have the resources to reach people before their conditions deteriorate. Mental health care is available in Atchison County, but people who experienced a crisis in the evening or on a weekend have nowhere to turn, he said.

When Wright started overseeing the Atchison County jail 10 years ago, police could take people in crisis to St. Luke's Cushing Hospital in Leavenworth for inpatient care, Wright said. When that hospital stopped treating involuntary patients, they went to Rainbow Mental Health Facility in Kansas City, Kansas, which now has only eight beds. Right now, the only option is Osawatomie State Hospital, where demand for space is high, he said.

"Getting them to take an ambulance is like pulling teeth," he said.

The problem of finding inpatient mental health treatment has been more severe in eastern Kansas than in the western counties, said Sandra Horton, executive director of the Kansas Sheriffs' Association. Osawatomie State Hospital is only admitting involuntary patients, and some who have court orders for involuntary treatment have [waited days in jails or emergency rooms](#).

Often, law enforcement officials would rather send someone to the state hospital for treatment than charge them with a minor crime, Horton said, but they can't do so if there isn't space available.

"I'm hearing a lot of the sheriffs express concern," he said. "Nobody wants to hold somebody in jail because they have a mental health issue."

The problem isn't confined to eastern Kansas, however. Gove County Sheriff Allan Weber said his department contracts with Trego County because it doesn't have a jail, but was responsible for a man with apparent mental health issues who was arrested for lewd behavior in March. The county attorney had to get a court order if there isn't a county

that responded to a surge

Doug Bonne A legal director of the American Civil Liberties Union of Kansas, said

Most corrections workers have only limited mental health training, and it isn't realistic to expect them to become mental health workers, he said.

"Locking those persons in a jail facility designed, built and staffed to house and control inmates, with no ability to help or to treat the illness is not an answer," he said. "That path only shifts the burden of care and places an undue liability and expectations on those not qualified or trained to handle the illnesses, in a facility that in most, if not all, cases is not designed or built to provide that care."

[[Interactive feature: A journey through the corrections system](#)]

Susan Crain Lewis, president and CEO of Mental Health America of the Heartland, said many people with mental illnesses who are arrested are

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