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Contact:
George Diepenbrock
Public Information Officer,
Douglas County Sheriff's Office
785-832-5113

Douglas County to launch local competency restoration treatment program, believed to be first in the state

With a long statewide backlog, defendants facing competency evaluation or restoration treatment needs often wait in custody for a year or longer while their case is placed on hold

LAWRENCE, Kan. – The Douglas County Sheriff's Office, District Court and mental health providers are set to begin a local process for evaluating mental competency of defendants and offering outpatient treatment for restoration.

The process is believed to be the first to begin at the county level in Kansas and would help address the statewide backlog that has delayed numerous criminal cases in recent years due to the shortage of bed space at Larned and Osawatomie state hospitals.

In Douglas County in recent years a person in custody who was found not mentally competent to stand trial and assist in his or her defense faced an average wait time of 14 months for a bed at a state hospital for treatment. The backlog has put added pressure on staff and resources of county correctional facilities and served as a hardship with lengthy delays as well for those facing trial.

"It should come as no surprise that Douglas County is striving to be a leader in the state, but coming up with a plan to take on this work is a testament to the relationship the Sheriff's Office has with the courts and the agencies providing mental health services in our community, including years of skilled mental health providers being embedded in the Douglas County Jail," Sheriff Jay Armbrister said. "Being able to offer this evaluation and treatment here should open doors to more people to complete the competency restoration process more quickly and being able resolve more cases as well."

Members of the Competency Restoration work group presented the detailed plan at the Douglas County Criminal Justice Coordinating Council's meeting on Tuesday. The new local process at the Douglas County Jail is expected to begin April 1. A recent change in state legislation allowed counties — if they met certain conditions — to conduct competency evaluations and orders for restoration without sending those in custody to Larned or Osawatomie state hospitals.

The local outpatient restoration process includes set windows of time for Bert Nash Community Mental Health Center staff to report to a judge on the progress of the treatment and competency restoration

process. A court would also have authority to order any mandatory medication – which can happen in limited cases and is typically part of the inpatient competency restoration process at a state hospital.

Members of the work group who developed the plan included Sheriff Armbrister, Maj. Gary Bunting of the DGSO Corrections Division; co-facilitators Patrick Schmitz, CEO of the Bert Nash Community Mental Health Center and Katy Fitzgerald, Criminal Justice Coordinator for Douglas County; Douglas County Chief District Judge James McCabria; Paul Leffingwell, Forensic Services Team Leader for Bert Nash Center at the Douglas County Jail; Andrea Diaz Buezo of the Association of Community Mental Health Centers of Kansas; Bob Tryanski, Douglas County's Director of Behavioral Health Projects; and clinical and administrative staff from the Bert Nash Center.

"Douglas County is well positioned to successfully launch this program within the jail thanks to the commitment of the Sheriff's Office, Bert Nash Center, and our Court partners to improve the process of competency restoration for our residents. While these partnerships have become the way of business here in Douglas County, that is not the case in every jurisdiction," Douglas County Criminal Justice Coordinator Katy Fitzgerald said.

"I really appreciated the participation and willingness of everyone to come together to yet again be the leader in the state on a process that no one else has embarked on. We will continue to learn and adapt, but we are really committed to this work," said Patrick Schmitz, CEO of the Bert Nash Community Mental Health Center.

To view the CJCC meeting with the presentation on the competency restoration program, visit the [Douglas County Kansas YouTube channel](#).

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