

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/14/07 S3/22/07

A Bill

HOUSE BILL 2731

5 By: Representative Medley
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7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE UNIVERSITY OF ARKANSAS
10 SYSTEM CRIMINAL JUSTICE INSTITUTE TO TRAIN AND
11 INSTRUCT LAW ENFORCEMENT OFFICIALS, INCLUDING
12 JAIL PERSONNEL, ON THE HANDLING OF PERSONS WITH
13 MENTAL ILLNESS; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO AUTHORIZE THE UNIVERSITY OF
16 ARKANSAS SYSTEM CRIMINAL JUSTICE
17 INSTITUTE TO TRAIN AND INSTRUCT LAW
18 ENFORCEMENT OFFICIALS AND JAIL
19 PERSONNEL.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 6, Chapter 64 is amended to add an
26 additional subchapter to read as follows:

27 6-64-1201. Legislative findings.

28 The General Assembly finds that:

29 (1) There is increasing pressure on county jails to provide or
30 find appropriate care for detainees and jail inmates who have a mental
31 illness;

32 (2) There are an inadequate number of acute inpatient
33 psychiatric beds and, in some areas, limited follow-up treatment options
34 available to adults with mental illness who have been arrested;

35 (3) Arkansas ranks forty-ninth in the number of state-operated,
36 psychiatric beds per thousand population;



1 (4) The only non-profit psychiatric hospital beds for adults
2 with mental illness are located in Pulaski County and Jefferson County;

3 (5) In 2005, there were sixty-eight (68) counties in Arkansas
4 that had no acute inpatient psychiatric beds;

5 (6) According to the United States Department of Justice, in
6 2000 only sixteen percent (16%) of jail inmates reported either a mental or
7 emotional condition or an overnight stay in a mental hospital or program;

8 (7) In 2006 more than fifty percent (50%) of all prison and
9 state inmates reported mental health problems, including symptoms of major
10 depression, mania, and psychotic disorder;.

11 (8) It is estimated that seventy percent (70%) of jail inmates
12 with mental illnesses are incarcerated for nonviolent offenses;

13 (9) Jail diversion programs, including mental health courts,
14 have demonstrated that when jail diversion programs are part of a system,
15 jail diversion programs can help persons with mental illness and can reduce
16 the likelihood of that person's re-entry into jail or prison;

17 (10) A survey of county judges and chiefs of police in Arkansas
18 reveals a recognition that there are gaps in the system that they cannot
19 address by themselves;

20 (11) Law enforcement officers and jail personnel would benefit
21 from training specifically geared toward promptly recognizing the person who
22 may have a mental illness and to respond to that person in an appropriate
23 manner;

24 (12) The counties and cities of Arkansas do not have sufficient
25 funding to absorb an unfunded mandate to provide training and treatment in
26 the jails, particularly as the training relates to the administration of
27 prescribed medication;

28 (13) Grant funds are available addressing some of these
29 challenges and can be applied for if state employees skilled in grant writing
30 already employed by the state are assigned to obtaining the funds to support
31 the purpose of this subchapter; and

32 (14) The absence of jail services required by detainees and
33 inmates who have mental illness has resulted in litigation and threats of
34 litigation that might result in limitation of the state's sovereignty and
35 higher costs of meeting constitutional standards.

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1 6-64-1202. Definitions.

2 As used in this subchapter:

3 (1) "Community mental health centers" means those private non-
4 profit organizations certified by the Division of Behavioral Health under §
5 20-47-202 as community mental health centers and contracted to perform
6 designated public mental health services in the respective catchment areas of
7 the state;

8 (2) "Crisis Intervention Team" means a community-based
9 collaborative effort between law enforcement officers and jail personnel and
10 mental health professionals to help law enforcement officers and jail
11 personnel handle incidents involving persons with mental illness;

12 (3) "Inmate with mental illness" means a jail inmate who, after
13 being assessed by a person qualified by licensure to conduct an assessment,
14 meets the criteria for serious mental illness or is in danger of harm to self
15 or others;

16 (4) "Jail inmate" means a natural person who is in the custody
17 of law enforcement authorities within the confines of a county jail; and

18 (5) "Person with mental illness arrested by a law enforcement
19 officer" means a person who appears to be a danger to himself or herself or
20 to others or to need mental health evaluation for treatment.

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22 6-64-1203. Law Enforcement Training Committee -- Creation -- Duties.

23 (a) The Law Enforcement Training Committee is created to:

24 (1) Identify mental health training needs for law enforcement
25 officers; and

26 (2) Develop a mental health training curriculum for law
27 enforcement officers and jail personnel to be delivered statewide.

28 (b)(1) The committee shall be led by the Criminal Justice Institute of
29 the University of Arkansas System.

30 (2) The committee shall include representatives of:

31 (A) Arkansas Law Enforcement Training Academy;

32 (B) Research and Training Institute of the Division of
33 Behavioral Health;

34 (C) Arkansas Department of Community Correction;

35 (D) Mental Health Council;

36 (E) Administrative Office of the Courts;

1 (F) Local, state, and county law enforcement officers; and

2 (G) Mental health practitioners.

3 (c) The training and delivery strategies may consist of:

4 (1) Basic level training for law enforcement officers and jail
5 personnel to be included in the entry-level training program curricula;

6 (2) Advanced level training for law enforcement officers and
7 jail personnel that is designed to enhance the effectiveness of the response
8 of law enforcement officers and jail personnel to persons with mental
9 illness;

10 (3) Training, such as Crisis Intervention Team Training, that
11 includes methods for establishing a collaborative effort between law
12 enforcement personnel and the community to provide appropriate services to
13 those persons with mental illness who come into contact with the law
14 enforcement system;

15 (4) Establishment of regional training teams, consisting of
16 mental health and law enforcement officers; and

17 (5) A train-the-trainer model so that mental health training can
18 be provided in each county jail at frequent and regular intervals as needed
19 by a local person who has received formal training through curricula
20 developed under this subchapter.

21 (d) Crisis Intervention Teams shall be:

22 (1) Supported by state funding; and

23 (2) Provided initial assistance in organization.

24 (e)(1) Local police departments and sheriff departments may apply to
25 the Criminal Justice Institute for crisis intervention training under this
26 subchapter.

27 (2) The Crisis Intervention Team Training curriculum development
28 and delivery under subdivision (b)(3) of this section shall be supported by
29 state funding.

30 (f)(1) A graduate of the Crisis Intervention Team Training shall
31 provide the local department in which he or she serves with information and
32 materials obtained at the crisis intervention training.

33 (2)(A) Each department that sends law enforcement officers to
34 receive Crisis Intervention Team training shall convene a meeting at least
35 annually to review and improve the program in the department.

36 (B) The meeting shall include without limitation

1 representatives of:

2 (i) Local behavioral health service providers;

3 (ii) Community mental health centers within the

4 jurisdiction of the department;

5 (iii) Consumers;

6 (iv) Courts;

7 (v) National Alliance on Mental Illness; and

8 (vi) Local institutions of higher education,

9 including without limitation, the University of Arkansas for Medical Sciences

10 and the Area Health Education Centers of the University of Arkansas for

11 Medical Sciences.

12 (f) The goal of the Crisis Intervention Team Training program is to

13 establish a collaborative effort between law enforcement officers and jail

14 personnel and the community to provide appropriate services to persons with

15 mental illness who come into contact with the law enforcement system.

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17 /s/ Medley
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