
**A Collective Summary of Recommendations and Initiative
Actions related to JIAC, DCF, Law Enforcement and Mental
Health**

Source:

- **Sedgwick County Manager**
- **District Attorney, Eighteenth Judicial District**
- **Governor's Commission on Racial Equity and Justice**
- **Mental Health and Substance Abuse Coalition**

For:

Community Taskforce review and consideration

Sedgwick County Manager Tom Stolz

County Manager's Note 1/31/22:

Since the Cedric Lofton sudden death case back in September, the county corrections staff has not been standing still. As we work forward with the community task force, here is a list of items that staff has already been working on for the last several weeks:

- A request for bid/proposal regarding the addition of audio added to the current camera system at the site. *The project for system audio is included in the County's Capital Improvement Program.*
- All camera sites which were recently upgraded are being reviewed for blind spots; additional cameras will be requested through budget. *Review is completed and a proposal has been generated.*
- Addition of an AED unit to JIAC since the unit in JDF is not close enough. *The AED unit has been ordered.*
- Clarified policy regarding acceptance of juveniles to JIAC which has already been implemented; with this policy, a person like Cedric will no longer be admitted to JIAC. *(See Appendix A)*
- Clarified policy regarding mental health needs of juveniles in the facilities. *(See Appendix A)*
- Moving forward with additional training – with sanctioning by JIAS (State of Kansas) standards - for staff including: *(See Appendix A)*
 - Mandate all JIAC staff to complete training re: positional asphyxiation and prone restraint.
 - Better formalize and retrain mechanical restraint tactics.
 - Quarterly use of force trainings.
 - Incorporate training protocols into appropriate policy.

I will also add that we are looking at training and equipment in the COMCARE operational areas also, along with their policies. For obvious reasons. And we are researching all camera and audio systems, AED placement, and other factors which this case has brought to light.

Equipment, training and staff will have budget impacts across the board. The county philosophy over the last several years has been one of austerity. That philosophy may have to modify a bit.

Tom

District Attorney Marc Bennett
18th Judicial District of Kansas
District Attorney's Addendum 1/18/22

A. Recommendations

To prevent a tragedy of this magnitude from happening again, the County manager, Tom Stolz, asked in September of 2021 that I make public any recommendations I arrived at during the review of the facts uncovered by the investigation. To that end, and without commentary as to the merits of any potential civil litigation filed on behalf of Cedric Lofton or his family, I offer the following:

1. It is uncontroverted that it took not less than 6 officers with the Wichita Police Department to place Cedric Lofton in the WRAP system. These officers then carried him into the JIAC in the restraint and, once unrestrained, left him with a single JIAC intake specialist. There was nothing about this that violated policy and in fact, the JIAC specialist said he'd seen juveniles brought in to the center in the WRAP System "a handful" of times.

I would ask that county policy be examined. Should a juvenile in a WRAP be brought to the JIAC? Should a single JIAC worker be expected to then handle someone described as "a combative juvenile" alone? Should the officers who bring an allegedly combative, noncompliant youth into the JIAC instead be required to remain on scene (or at least nearby) at the JIAC until the juvenile is processed? *(See Appendix A)*

2. When juveniles are brought into JIAC and processed either to booking in JDF or back out the doors to some other placement, I would ask the county to consider updating the video recording system to cover more areas of the lobby and holding rooms and to ensure that the recording system includes audio capacity. *This is being addressed through the County budget and CIP processes.*

3. The county and city need to determine whether law enforcement officers have received adequate training regarding encounters with juveniles (or adults) that present with an apparent mental health break? Should additional training be offered regarding when and under what circumstances a person can and should be taken to St. Joe as opposed to JIAC (or jail for adults)? Should the county implement remote/virtual access to mental health consults in the field in such circumstances?

4. When and if a juvenile enters JIAC in a state of mental distress, rather than contacting the law enforcement agency that delivered the juvenile to the facility to request that the agency return to JIAC to transport the juvenile to St. Joe, is there a quicker, more efficient mechanism to obtain help? In this matter the first call to 911 to ask the police to return occurred 17 minutes after Cedric was moved to the prone position and some 18 minutes before he began to "snore" and quit breathing.

5. When a foster parent contacts their foster agency to report that a foster child is in mental distress, does this state system owe a better response than a directive to call the police and not let the foster child re-enter the home?

Governor’s Commissioner on Racial Equity and Justice Initial Report, December 2020 Police and Law Enforcement in Kansas

About the Commission

- The Governor signed Executive Order 20-48 on June 24, 2020, forming the Governor’s Commission on Racial Equity and Justice.
- She asked the Commission to study issues of racial equity and justice across systems in Kansas, focusing first on policing and law enforcement
- The Commission includes perspectives from the criminal justice system, education, healthcare, and advocacy organizations
- This is not a commission on criminal justice reform – it is focused on broad issues of racial equity in Kansas, which includes some elements of the criminal justice system but is not tasked with a comprehensive study of that system.
- In 2021, the Commission is focusing on studying racial equity within economic systems, education, and healthcare.

2020 Report

- The Commission submitted its first report to the Governor on law enforcement and policing on December 1, 2020.
- The report included over 60 recommendations to state agencies, the legislature, and local governments on how to improve racial equity in Kansas around policing.

2020 Recommendations

Initial Report: Local Recommendations

- Create plans to recruit officers that reflect the communities being policed.
- Include accountability measures and follow up related to the enforcement of recommended changes.
- Ensure that data collected is transparent, public, and easily accessible.
- Mandate review of records during the hiring process.
- Provide incentive pay for officers who speak languages other than English. Include proficiency testing.
- Support and finance the use of mobile crisis response models, including co-responder and virtual co-responder models to assist law enforcement in responding to behavioral health calls and stops.
- Encourage law enforcement agencies to pursue available grant funding.

RECOMMENDATIONS BY ENTITY

Here you’ll find all the Commission’s recommendations organized by the entity or level of leadership that should consider implementing them: state/agency, legislative, or local.

STATE/AGENCY

Law Enforcement Training

LET.1: Enhance ongoing social equity and anti-bias training curriculum.

- LET.2: Include instruction on history of policing, including racial elements of that history.
- LET.3: Explore further connections with KU and other Board of Regents institutions, including experts in diversity/inclusion.
- LET.4: Increase racial and ethnic diversity in KLETC instructors.
- LET.7: Create standards for ongoing officer training.
- LET.8: Create a law enforcement supervisor training program.

Officer Certification and Standards

- OCS.3: Increase transparency around police disciplinary records.
- OCS.4: Require psychological testing of officers, performed by a licensed professional, before certification
- OCS.6: Ensure quality and compliance with anti-bias training and practices.
- OCS.9: Expand CPOST investigation practices.
- OCS.10: Review CPOST structure and practices.

Recruitment, Retention, and Promotion

- RRP.5: Create a position in state government to focus on diversity in law enforcement and assist in law enforcement efforts to increase diversity.
- RRP.6: Create an entity within the Governor's Office to address diversity, equity and inclusion.

Accountability

- ACC.1: Include accountability measures and follow up related to the enforcement of recommended changes.
- ACC.2: Ensure that data collected is transparent, public, and easily accessible.
- ACC.3: Select a state entity to analyze and publish law enforcement data for public use.

Data Collection

- DAT.1: Collect and publish recruitment (applicant and newly-hired) demographic data.
- DAT.2: Collect and publish retention and promotion demographic data.

Public Defense

- PD.1: Expand public defender's offices.

Tribal Jurisdiction

- TJ.2: In coordination/consultation with Kansas Tribes, update/revise KLETC curriculum related to tribes and tribal sovereignty.

Behavioral Health

- BH.4: Increase use of Mental Health First Aid Training, Crisis Intervention Training and other behavioral health trainings for new and existing officers.

Funding

- FUN.2: Direct the Governor's Grant Office to hire an employee to assist with grants.
- FUN.4: Direct KLETC to develop grant writing programs.

LEGISLATIVE

Law Enforcement Training

LET.5: Expand ongoing officer training requirements.

Officer Certification and Standards

OCS.1: Prohibit fired officers from being hired at different law enforcement agencies.

OCS.2: Mandate review of records during hiring process.

OCS.3: Increase transparency around police disciplinary records.

OCS.4: Require psychological testing of officers, performed by a licensed professional, before certification

OCS.5: Require that officers have completed KLETC training before they are issued a firearm for use in the line of duty.

OCS.7: Allow county and district attorneys to request and receive disciplinary records for law enforcement officers.

OCS.8: Increase diversity on the Commission on Peace Officer Standards and Training.

OCS.9: Expand CPOST investigation practices.

OCS.10: Review CPOST structure and practices.

OCS.11: Review and amend statutes that prohibit individuals with a previous low-level criminal offense from becoming police officers.

OCS.12: Create a list of complaints and firings.

Recruitment, Retention, and Promotion

RRP.3: Amend statute that requires citizenship for law enforcement officers. Align requirements with U.S. military standards for service

Accountability

ACC.1: Include accountability measures and follow up related to the enforcement of recommended changes.

ACC.5: Review racial and bias-based policing policies and the complaints process for law enforcement on a state level.

ACC.8: Adopt policies that improve transparency around contract negotiations.

Data Collection

DAT.3: Implement a pull-over or stop data collection program.

Public Defense

PD.1: Expand public defender's offices.

PD.2: Fund public defenders on par with local prosecutor's offices.

Justice System

JS.1: Adopt recommendations from the Pretrial Justice Reform Task Force.

JS.2: Require that defendants be fairly represented at bond hearings.

JS.3: Driver's licenses should not be suspended for failure to pay fines and fees.

JS.4: Adopt recommendations from the proposed federal JUSTICE Act and/or Justice in

Policing

Act related to no-knock warrants.

JS.5: The Legislature should continue to research and review civil asset forfeiture and recommend a process that builds public trust.

JS.6: Study and address technical probation violations

JS.7: The legislature should look at model legislation related to qualified immunity and adopt similar policies for Kansas.

JS.8: Prohibit practices that denote racial profiling in jury selection, such as striking a juror for clothing or attitude.

School Resource Officers

SRO.2: Revise training requirements for SROs to include implicit bias training and ongoing requirements.

Tribal Jurisdiction

TJ.2: Commission a study through the Office of Native American Affairs on criminal justice and Native populations.

Immigration and Law Enforcement

IMM.4: Allow driver's licenses for non-citizens.

IMM.5: Enforce/ensure police completion of certification of victimization in relation to non-citizen victims.

Behavioral Health

BH.1: Expand Medicaid to provide mental health and other health care coverage to populations currently not covered.

BH.2: Support policies and enrollment efforts to reduce uninsurance rates of children as an evidence-based strategy to reduce involvement with criminal justice system.

BH.3: Support and finance the use of mobile crisis response models, including co-responder and virtual co-responder models to assist law enforcement in responding to behavioral health calls and stops.

LOCAL

Law Enforcement Training

LET.6: Increase transparency around training in non-KLETC academies.

Officer Certification and Standards

OCS.2: Mandate review of records during hiring process.

OCS.3: Increase transparency around police disciplinary records.

Recruitment, Retention, and Promotion

RRP.1: Create plans to recruit officers that reflect the communities being policed.

RRP.2: Encourage promotion and retention of underrepresented groups so that command structures represent the community being served.

RRP.4: Create exceptions to residency requirements under certain conditions – to encourage underrepresented communities.

RRP.7: Explore options around increasing officer pay, including salary enhancements tied to degree attainment for law enforcement officers.

Accountability

ACC.1: Include accountability measures and follow up related to the enforcement of recommended changes.

ACC.2: Ensure that data collected is transparent, public, and easily accessible.

ACC.4: Review and revise policies and training on use of force.

ACC.6: Implement evidence-based practices related to the use of dashboard cameras and body-worn cameras.

ACC.7: Address clear and uniform labeling of law enforcement vehicles.

ACC.8: Adopt policies that improve transparency around contract negotiations.

School Resource Officers

SRO.1: Explore alternatives to SROs, such as counselors.

SRO.3: School districts should seek to implement alternative or complementary programs to address issues of student conflict and violence.

SRO.4: SRO programs should include elements that demonstrate the school district's commitment to an inclusive and welcoming environment for its students.

Immigration and Law Enforcement

IMM.1: Provide incentive pay for officers who speak languages other than English. Include proficiency testing.

IMM.2: Adopt clear policy on immigration enforcement efforts.

IMM.3: Enforce/ensure police completion of certification of victimization in relation to non-citizen victims.

IMM.5: Ensure law enforcement agencies aren't duplicating work.

Behavioral Health

BH.3: Support and finance the use of mobile crisis response models, including co-responder and virtual co-responder models to assist law enforcement in responding to behavioral health calls and stops.

BH.4: Increase use of Mental Health First Aid Training, Crisis Intervention Training and other behavioral health trainings for new and existing officers.

Funding

FUN.1: Encourage law enforcement agencies to pursue available grant funding.

FUN.3: Law enforcement agencies should collaborate on funding strategies for reform and improvement.

MENTAL HEALTH & SUBSTANCE ABUSE COALITION

COALITION GOALS

ACCESS TO CARE:

To reduce barriers so patients can get to services they need when they need them.

COORDINATION, COMMUNICATION, COLLABORATION:

To create a system of care that relies on improved communication, coordination and collaboration among service providers.

WORKFORCE:

To have enough employees to meet demand in mental health, substance abuse, social work and other behavioral health professions.

2022 POLICY PRIORITIES

Request (recommendations):

- Address workforce shortage in behavioral health professions
- Increase the Medicaid rate for all in-patient and out-patient behavioral health services by 10%
- Fully Fund 988 – Support HB2281
- Fully fund established crisis stabilization centers
- Develop and implement long and short-term solutions to ease the wait times for state hospital beds
- Approve Medicaid expansion or fund the gap
- Continue telemedicine reimbursement rate at the in-person rate post-Pandemic

Also Consider:

Recommendations from the State of Kansas Mental Health Taskforce* and the Kansas Criminal Justice Reform Commission*

*reports are available

Appendix A

JIAC Policy	Revision Date	Summary of Changes
8.804 Medical Criteria for Admission to JIAC	5/15/2021	Added the use of the asQ Suicide Risk Screening Tool for each youth brought to JIAC by law enforcement.
8.804.1 Officer Release to SC JIAC	5/19/2020	Added verbiage to include a Medical/QMHP form as an option for medical clearance.
	12/8/2021	Added a category of <i>youth being subject to a temporary restraining device (WRAP) during or subsequent to the arrest</i> as a reason for a medical/mental health release prior to admission to JIAC.
8/804.2 Medical/QMHP Release to SC JIAC	12/8/2021	Added a category of <i>youth being subject to a temporary restraining device (WRAP) during or subsequent to the arrest</i> as a reason for a medical/mental health release prior to admission to JIAC.
	1/25/2022	Added necessary documentation to be returned from the hospital to JIAC to confirm fitness for intake procedures.
8.810 Use of Force & Restraints	5/12/2021	
	Pending Changes	Defines prone restraint. Restricts JIAC staff from using mechanical restraints for transportation by LEO, prior to physical handling staff shall call for assistance, establishes a lead role in restraints, establishes that a prone restraints shall be used solely to transition a youth to a sitting, standing or supine position and for not longer than 3 minutes, define MAB and SAFECLINCH holds allowed, establishes a non participatory staff member in physical handling to contact medical services, medical services in the building 24/7 observe use of mechanical restraints, monitor time limits, monitor youth's behavior and reactions, remove mechanical restraints and contact program manager for extension of restraint use, 1:1 ratio when youth is in mechanical restraints, training on prevention of positional asphyxiation and prone restraint guidelines with annual refreshers