NEBRASKA ADMINISTRATIVE CODE

TITLE 72, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 4

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

MENTAL HEALTH SCREENING, RISK ASSESSMENT, AND DISCHARGE REVIEW TEAM PROCEDURES

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TITLE 72 NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES
CHAPTER 5 MENTAL HEALTH SCREENING, RISK ASSESSMENT, AND DISCHARGE REVIEW TEAM PROCEDURES

001 Purpose. These regulations provide for a method consistent with professional standards of care to screen all inmates at intake for mental illness, provide opportunities for mental health treatment and cognitive behavioral interventions throughout incarceration, review of high-risk inmates prior to discharge using evidence-based risk and threat assessment procedures to facilitate an appropriate and secure transition from NDCS custody to the community.

001.01 ~~The~~ This rule applies to all inmates and county safe keepers (hereinafter referred to collectively as "inmates") of the State of Nebraska in facilities operated by the Nebraska Department of Correctional Services (NDCS).

002 Screening at Intake. All inmates will receive a full mental health screening within the first two weeks of intake to determine if they are mentally ill as defined in Nebraska ~~.~~ Revised~~.~~ Statute (N.R.S.) ~~Chapter~~ §71-907. Screening information will be documented in the inmates' files and included in the behavioral health treatment plan, if applicable. Clinical treatment recommendations will be made in line with the mental health screening and further evaluations. Mental health screening, evaluation and treatment recommendations may be made at any point during an inmate's incarceration and/or amended, if clinically appropriate.

003 Treatment Recommendations. Licensed behavioral health professionals will make recommendations for treatment based on professional judgement. NDCS policy will identify the screening and evaluation tools used in diagnosis and treatment recommendation. It is the goal to provide treatment prior to parole eligibility date.

004 Discharge Process. All inmates with a mental illness will be evaluated at least 90 days prior to release by a behavioral health professional. This evaluation will include a review of dangerousness and threat to the community. Evidence-based assessment tools shall be used to identify any individuals approaching discharge who should be evaluated for mental illness or dangerousness. Documentation will be made in the treatment file and will include a referral to the Discharge Review Team if identified as high risk as defined in Section 005.02.

005 Discharge Review Team. A multi-disciplinary team responsible for reviewing cases for individuals identified as high-risk who are nearing discharge and present a risk of dangerousness and/or who are mentally ill and dangerous as defined by N.R.S. §71-908.

005.01 Membership. The Discharge Review Team is a multi-disciplinary team of NDCS staff appointed by the Director, to include at least three psychologists, social worker, victim-witness representative and members of the NDCS intelligence and investigation functions or other staff designated by the Director.

005.02 Selection Inmates identified as high risk include:

005.02.01 Inmates who are dangerous to themselves (as evidenced by recent overt act, suicidal statements, suicide attempts, major self-harm behaviors or inability to care for themselves),

005.02.02 Inmates who are dangerous to others (as evidenced by violent activity prior to or during incarceration, threats or attempts to harm others),

005.02.03 Inmates with discharge needs that create a risk to the inmate or the community (either because of their special needs or their lack of compliance with the discharge plan).

005.02.04 Inmates housed in secure mental health housing within 180 days of their tentative release date

005.03 Referrals. Any NDCS staff member who believes an inmate, upon discharge, presents a danger to themselves, others or the community shall refer the inmate to the Discharge Review Team. Licensed behavioral health professionals shall refer an inmate when the evaluation indicates high-risk as defined in section 005.02.

005.04 Review. The Discharge Review Team shall review all inmates identified as high risk as defined in section 005.02, those who are referred for review based on the evaluation by the licensed behavioral health professional and inmates who have been housed in secure mental health housing within 180 days of their tentative release date. The Discharge Review Team will convene at least monthly to review identified inmates and make recommendations for discharge planning. Each inmate will be reviewed based on all information made available to the Discharge Review Team with a focus on identifying mental health or other risk factors that present a danger to the community.

005.05 Assessment. The Discharge Review Team will use evidence-based and empirically valid psychological and/or violence risk/threat assessment and social work procedures to identify risk factors to the inmate's discharge, including: mental health issues, criminogenic thinking, substance abuse, lack of appropriate supports, etc.

005.06 Disposition. The Discharge Review Team will recommend steps to protect the inmate and mitigate risk to the community, to the extent possible.

005.06.01 When an inmate is deemed to be mentally ill and dangerous, referral for mental health board commitment review will be made to the appropriate county attorney under the Nebraska Mental Health Commitment Act, N.R.S. §71-901 et. seq. Inmates who are potentially dangerous sex offenders will be screened under the Nebraska Sex Offender Commitment Act, N.R.S. §83-174.02 separately from the Discharge Review Team process.

005.06.02 When an inmate has threatened an identifiable individual, NDCS staff will take steps to warn the intended victim and to notify local law enforcement of the threat (Tarasoff warning).

005.06.03 If an inmate is not mentally ill but determined to be especially dangerous, as assessed prior to release, NDCS will provide notification to local law enforcement of the danger.

005.06.04 For all others, NDCS will work to support the inmate with discharge planning recommendations and other measures designed to increase community safety (e.g., referral to NDCS Social Work and/or Reentry Services).

005.06.05 If a licensed behavioral health provider disagrees with the decision of the DRT, he/she may contact the county attorney directly and shall not be subject to discipline for doing so.

005.07 Quality Assurance. The Discharge Review Team shall establish a procedure to review the outcomes of recommendations made on discharged inmates to ensure fidelity to the process, identify and address relevant challenges. The findings of the quality assurance shall be included in the DRT's annual report.

006 Risk and needs assessments shall be used to screen, evaluate, and guide interventions and decisions about classification, housing, programming and other resources for all NDCS inmates.

006.01 All assessments shall be conducted by staff trained in their administration and interpretation.

006.02 Request for assessment of an inmate may be made by any NDCS staff member who identifies concerns about an inmate's behavior. Behavioral Health will review each request and take appropriate action.

006.03 Assessments and evaluations shall prioritize (but not be limited to) suicidal behavior or ideation or other harms toward self by an inmate, threats of physical harm toward others, actual physical harm to others while in NDCS custody, concerns about mental health and inability to care for self, and concerns about characteristics or actions that might affect safety in the community at any time and upon discharge.