

## SB 5293: Addressing Mental Health Sentencing Alternatives

WDA and WACDL strongly support this long-needed sentencing alternative for those defendants with persistent mental health concerns. This bill will address the needs of those with mental health issues in the legal system and assist them in maintaining stability.

- **This sentencing alternative is long overdue. Nationally, approximately one-third of the inmates in U.S. jails and prisons have a mental health impairment, and our jails and prisons have become de facto mental institutions. The monetary costs of incarcerating individuals far exceed the costs of supervision and treatment in the community.** Currently, there are sentencing alternatives to limit incarceration and address the treatment needs of those with families, with chemical dependency, and convicted of sex offenses, but none specifically for those suffering from mental illness. In 2013 in Washington, 58% of the 143,610 people booked in to jail had mental health treatment needs and 41% had co-occurring disorder indicators.<sup>1</sup>
- **The ethical concerns of incarcerating those with mental illness and thereby perpetuating an endless cycle of decompensation, arrest, and later stabilization requires action.** Approving this sentencing alternative demonstrates the legislature's commitment to addressing the needs of the most vulnerable in the criminal legal system. This act promotes respect for the law by providing punishment which is just; protects the public by providing supervision, regular reports to the court, and treatment suited for the defendant's needs; offers the defendant an opportunity to improve; makes frugal use of the state's and local governments' resources; and reduces the risk of reoffending by treating underlying mental health issues.
- **This sentencing alternative recognizes the unique circumstance of the individual defendant with mental health issues and needs for individualized treatment.** The manner in which we currently address mental health issues in the legal system is often inhumane. Many enter the justice system in need of treatment and rather than receiving timely treatment, vulnerable individuals are often boarded in jails waiting for weeks or months to receive necessary mental health care. Instead of addressing the issues that brought the individual before the court, individuals are often released without supervision

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<sup>1</sup> Behavioral Health Needs of Jail Inmates in Washington State, Paula Ditton Henzel, MA, Jim Mayfield, MA, Andrés Soriano, BS, Barbara E.M. Felver, MES, MPA. January 2016 . Report to the Washington State Office of Financial Management's Statistical Analysis Center, Thea Mounts, Director and Keri-Anne Jetzer, Forecast Analyst. <https://sac.ofm.wa.gov/sites/all/themes/wasac/assets/docs/research-11-226a.pdf>

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or are sent to prison where their mental health worsens. This legislation provides for treatment in the community and does so for an extended period of time.

**WDA and WACDL request the following amendments to most effectively address the needs of this population:**

- Amend Section 1(1)(b) to exclude the terms “severe” and “persistent.” There are individuals in need of treatment who are not classified as having a “severe” mental health issues or who may have “episodic” mental health issues. To limit this sentencing alternative to only those with severe and persistent mental health issues will eliminate the ability to access this treatment to many who need it. Often those with the most severe mental health issues are not competent and are unable to be restored competency.
- Also in Section 1, we request that language be included in (4)(a) that “[t]he lack of a community corrections officer with mental health training, behavioral health unit or special needs unit must not be the cause of denying this sentencing alternative.” We also request that (4)(b) include language to allow the court to waive the written progress report.
- Most important, due to the nature of mental illness, we request that (6)(c)(iii) include language that “[R]evocation shall occur only if the defendant has willfully failed to adhere to the terms of this sentencing alternative.”

***For more information, contact:***

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