

SSB 5415: Concerning public defense services for persons committed as not guilty by reason of insanity.

WDA and WACDL strongly support the adoption of SSB 5415, establishing OPD-administered public defense services for those committed to a state hospital as not guilty by reason of insanity (NGRI).

Chapter 10.77 RCW guarantees counsel for NGRI patients throughout their period of commitment, but the existing non-unified system fails many patients. Few local public defense attorneys are trained and skilled in post-commitment NGRI representation. NGRI patients will often qualify for hospital-based privileges, but in many instances local public defense attorneys are not available to petition the court to access hospital privileges or treatment services.

Delays in patient progress result in longer hospital stays and increased costs to taxpayers. Even counties with robust indigent defense representation are not able to devote the resources needed to timely address hospital and patient requests for court review.

If SSB 5415 is not adopted and funded, the most vulnerable in the criminal legal system will not have appropriately trained and supervised legal representation. Across Washington, rare is the NGRI patient who has effective representation or representation at all. Indigent defense is already underfunded by the counties, and the backlog of serious felony cases created by the pandemic makes it virtually impossible for most county public defenders to prioritize services for NGRI patients.

SSB 5415 makes public policy and fiscal sense for Washington, as demonstrated by unanimous support in the Senate and in the House Civil Rights and Judiciary Committee. Disability Rights Washington (DRW), the National Association of Mental Illness (NAMI-WA), the Superior Court Judges Association (SCJA), and the Board for Judicial Administration (BJA) also are on record in support of SSB 5415.

The state Office of Public Defense (OPD) has a solid track record for effectively recruiting, training, and administering statewide public defense in specialized practice areas. OPD is well-positioned to ensure quality, timely counsel for NGRI patients, as well as centralized accountability for NGRI defense.

Please pass SSB 5415 and fund it in the final budget.

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WDA is a non-profit organization created in 1983 to promote, assist, and encourage public defense systems which ensure that all accused persons in every court receive effective assistance of counsel

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WACDL is a non-profit organization working to improve the quality & administration of justice by protecting & insuring by rule of law those individual rights guaranteed by the Washington and Federal Constitutions