

Testimony on House Bill 80
Mental Health Courts
By Representative Daylin Leach
Monday, July 28th, 2008

Good Morning and thank you to Chairman Caltagirone and the Judiciary Committee for holding this hearing and taking the time to discuss this extremely important topic and this hopefully helpful piece of legislation.

HB 80 is designed to greatly expand the use of Mental Health Courts for non-violent offenders in Pennsylvania. The problems this bill is designed to address are well known to this committee. We have a criminal justice system which sends more people to prison than all but one other state in the nation. Our prison system is over-crowded and expensive. Too often we fail to meet the needs of those who we incarcerate, lessening the likelihood that they will be productive members of society when they are released. The result is a high post-incarceration recidivism rate.

It seems to me that any effective reform of the prison system must do several things:

1. It must reduce costs to the taxpayers
2. It must ease over-crowding
3. It must reduce recidivism
4. It must ensure drug or mental health treatment where appropriate.

Mental Health courts, I believe, will do all of these. Let me lay out some facts that inform this legislation and will hopefully illustrate why we need to focus on mental health treatment if we want to improve our criminal justice system.

Please consider the following in no particular order:

= People with mental illnesses are disproportionately represented in our criminal justice system. 5% of people in society have a diagnosable illness versus 16% in prison.

= In Pennsylvania a mentally ill person is three times more likely to serve their minimum sentence than a non-mentally ill person.

= The PA Department of Corrections estimates that it costs \$80 per day to incarcerate the average inmate, but \$140 to incarcerate an individual with a mental illness.

= People with mental illnesses remain incarcerated in pretrial detention over 6 times as long as the average inmate.

= In some national studies people with a mental illness were almost 3 times as likely to be rearrested.

But, there is good news. Studies show that integrating community based services with law enforcement works. In places with Mental Health Courts there have been dramatic

improvements in incarceration rates, recidivism rates and the success of reintegrating mentally ill offenders back into society.

Also, the costs of providing mental health services is far less than simply incarcerating mentally ill, non-violent offenders. It is important to note at this point that most mentally ill people are arrested for non-violent offenses. At any given time, more than half of all incarcerated people with mental health problems are in jail or prison for non-violent offenses.

Back to the costs; Studies in New York and Illinois show that using Mental Health Courts reduces costs by about 40%, resulting in a savings of tens of thousands of dollars per year per inmate.

So, what do mental health courts do and why are they so successful?

Mental Health Courts work essentially like the highly successful drug courts. People with a mental illness are no longer simply cycled through the courts and prison, over and over again. This cycle fails the inmate by ignoring the mental illness that may be at the root of the alleged crime, and it fails society by not addressing an important contributing factor in the rate of crime and not efficiently using tax dollars.

Instead a judge holds appropriate hearings on the defendants' mental state, and if he or she finds the defendant eligible, designs a specific treatment program using resources in the local community.

The defendant must agree to the program, which can include some combination of counseling, drug therapy, other medical care and assistance with obtaining a job and/or housing. The judge follows the defendant's progress and the defendant is provided with the incentive of having the charges against him dropped or favorably modified if he completes the treatment plan the judge has fashioned.

We also see the inherently adversarial criminal justice system become less adversarial. When Judge Zottola of Allegheny County spoke about his county's Mental Health Court Pilot Program, he noted that these cases are often resolved in chambers with the District Attorney, the defense attorney, and mental health professionals. He said, "It's more of a horizontal approach to resolving the problems. We usually reach a consensus. We're all part of a team, not on opposite sides."

This program has been so successful that the overall recidivism rate for Allegheny County inmates is 67%; the rate for the 500 offenders participating in the Mental Health Court is 14%

Currently, there are pilot programs in not only Allegheny County, but also other jurisdictions such as York, Erie and Northumberland counties. The purpose of my bill is to help make this available state-wide.

One of the key components of the bill is section 954 (f) which provides for grants to counties establishing Mental Health Court Divisions. The bill is quite strict in terms of the criteria for obtaining the grants. A county must demonstrate ability to effectively administer the program and provide services, as well as an ability to sustain the program after the state's financial support ends.

It is my hope that we will soon see 67 counties with fully operation Mental Health Courts. This will make us a wiser, more financially responsible, and most importantly, safer state.