

**MENTALLY ILL
OFFENDERS: STUDY OF
THE IMPACT OF
2SSB 6214**

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**MENTALLY ILL OFFENDERS: STUDY OF THE IMPACT
OF SB 6214***

Overview: This mandated study examines the impact of SB 6214, a measure passed in 1998 in response to the fatal stabbing of a retired Seattle firefighter outside the Kingdome by an individual with a history of violent acts, misdemeanor arrests, and civil commitments. The Act made changes to the state's civil commitment and criminal competency laws to help make a seamless transition between the mental health and criminal justice systems. To date, it is seen as having had a generally positive, but somewhat limited, effect on achieving its goals.

Background: Key features of the Act include:

- Definitional and other changes that place greater emphasis on an individual's current and past history of violence when determining whether the person should be subject to a civil commitment; and;
- A new requirement that certain persons charged with non-felony crimes, who have been found incompetent to stand trial, be committed for up to 14 days of "competency restoration." And requiring further that, if competency is still not restored, the person be evaluated for possible *civil* commitment prior to being released.

Is The Act Generally Working As Intended?

Misdemeanant Criminal Competency Related Changes: These provisions became effective in March 1999, and the impacts have been varied. Key findings in this area include:

- Misdemeanant competency *evaluations* conducted by the state hospitals have increased substantially in response to changes made by SB 6214. This increase has been problematic at Eastern State Hospital, where there is a backlog of people waiting to be admitted for evaluation.
- The number of misdemeanor criminal competency restoration *commitments* has been far less than originally projected: 121 in the first year, compared to a projected number of 657.
- In most cases (58 percent), those commitments do not result in the restoration of competency. Many professionals claim the 14-day period is inadequate for this purpose.
- Prior to SB 6214, persons charged with misdemeanors and found incompetent to stand trial typically had their charges dismissed, and were then released back into the community. Under SB 6214, 42 percent of such persons have been returned to competency following a restoration commitment, and 35 percent have been civilly committed.

* Second Substitute Bill 6214, Chapter 297, Laws of 1998, cited in this report as SB 6214 or "The Act."

- Though not a typical view, one large RSN perceives SB 6214’s provisions as interfering with processes it previously had established on its own. In their opinion, this sometimes leads to reduced treatment effectiveness in that RSN.

Civil Commitment Related Changes: The Act’s civil commitment changes became effective in July 1998. Civil commitments have increased since that date, however, it is unclear how much of the increase—if any—can be attributed to SB 6214. In most instances, County Designated Mental Health +Professionals (CDMHPs) within the counties that experienced the largest increases report that the Act has likely had *some* impact, but not a major one. State hospital staff report it has not had a major impact on increasing their level of civil commitments.

Other civil-related issues include:

- Many mental health professionals report they are unsure how to access criminal history information, so they are unable to fully comply with the requirement to review such information when conducting a civil commitment evaluation.
- There are indications that CDMHPs may not always be complying with requirements to detain persons on “conditional release” who are not complying with their release terms, or whose mental condition has deteriorated.

How Are Various Entities Impacted By The Act?

We examined the Act’s impact on the state hospitals, CDMHPs, the Regional Support Network (RSNs), local courts and prosecutors, community providers, and local jails. Although there are some important exceptions, *in general*, the Act has not had a major impact on the workload of these entities.

Are The Act’s Goals Being Achieved?

Among groups we surveyed, most responded that SB 6214 has been at least “somewhat effective” in: 1) improving communication and information sharing between the criminal justice and mental health systems, and 2) providing additional and appropriate treatment for misdemeanants who may represent a threat to themselves or the public.

In general, the consensus view is that SB 6214 has had a positive, but limited effect. This may be attributable to a fairly widespread unfamiliarity with the Act’s provisions.

Recommendations

Recommendations are related to:

- Reviewing Eastern State Hospital’s practices related to conducting criminal competency evaluations.
- Modifying the statutory requirement that all criminal competency evaluations be conducted by two mental health professionals.
- Giving consideration to increasing the maximum duration of misdemeanor competency restoration commitments.
- Disseminating information to mental health professionals on how to access past criminal history information.
- Ensuring that CDMHPs and community treatment providers are properly informed about their roles and responsibilities under the Act’s conditional release provisions.
- Ensuring that all pertinent mental health and criminal justice entities are provided relevant information on the Act’s provisions.