

## POSITION STATEMENT IN SUPPORT

### **LD 769: An Act To Increase the Availability of Mental Health Services for a Defendant Who Has Been Found Incompetent To Stand Trial**

Presented to Maine's Joint Standing Committee on Criminal Justice and Public Safety

As the state's largest grassroots mental health advocacy organization, NAMI Maine supports the passage of *An Act to Increase the Availability of Mental Health Services for a Defendant Who Has Been Found Incompetent to Stand Trial*. An individual who has a mental health diagnosis and finds themselves incarcerated serves on average three times longer periods of incarceration than an individual who committed the same crime, but who has no mental health diagnosis. This is partially due to the limited access to mental health services and supports for individuals while they are incarcerated. County jails have become the largest providers of mental health services across the nation, and Maine is no exception. Although the sheriffs try to provide what services they can, they are not equipped nor appropriate to support the treatment of individuals who require a higher level of care.

In a review of best practice for treating individuals who are not competent to stand trial and participate in their constitutional right to serve in their own defense, it recommended to seek an inpatient level of care. This level of care provides the highest level of care and support in order to stabilize mental health symptoms. This level of care is not possible nor appropriate to recreate in the correctional setting. It is imperative that the individuals who require this treatment are provided with an accurate diagnosis, stabilization, and treatment for their illness, as would be provided for any other medical condition. It will also provide an additional level of supervision, as the risk for suicide has been found to increase exponentially when an individual's mental health symptoms stabilize and they are then faced with the gravity of their actions while they were acutely ill. By authorizing the Commissioner of Corrections to accept placement of an individual who requires this level of care, the best practice mental health treatment and services will be offered.

The stigma that continues to surround mental illness and the criminalization of symptoms can lead to devastating effects. This bill will attempt to address some of the short comings of this issue. We would not question the placement of an individual who crashed their car while experiencing a heart attack resulting in the death of another in a cardiac unit. We would not deny them the necessary procedures to stabilize their condition nor the rehabilitative steps that are required. We also would most likely not have them remain in a locked correctional unit while they awaited the ability to participate fully in the legal system. We should provide the same considerations for an individual who is found not competent to stand trial.

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**ABOUT NAMI MAINE:** *Incorporated in 1984, the National Alliance on Mental Illness, Maine Chapter (NAMI Maine) is the state's largest grassroots mental health organization. With support from national and regional affiliates, the agency is dedicated to building better lives for everyone impacted by behavioral health concerns. NAMI Maine engages with leaders and community partners at all levels to improve the state's mental health system through collaboration and education.*

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### LEGISLATIVE CONTACT

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