

In Our View: Mentally Ill Worth Aiding

Defendants mustn't be left languishing; Clark County proposes positive road map

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One sentence from a recent ruling by a federal judge effectively summarizes the issue of housing mentally ill defendants in jails. "The mental health of detainees further erodes with each additional day of wait time, especially when those detainees are held in solitary confinement," wrote U.S. District Judge Marsha Pechman in a case involving how Washington treats defendants awaiting trial. The reason: Jails are "inherently punitive and not therapeutic institutions."

Providing a summary judgment in a lawsuit, Pechman highlighted the need for the state to alter its treatment of those suffering from mental illness. When patients are subjected to a wait longer than the state-recommended maximum of seven days, they often face a lack of access to medication. They often develop stress that leads them to harm themselves or others. They often withdraw and refuse to eat. In short, Pechman wrote, forcing criminal defendants to stay in jails for weeks or months while waiting to be moved to one of the state's two psychiatric hospitals, is "excessive and indefensible."

Indefensible, indeed. And while Washington is facing a difficult situation created by a lack of available psychiatric beds and a lack of psychiatric staffing, it serves as an example of the dearth of attention given to the needs of the mentally ill in this country. As Margaret Chen, a staff attorney with the American Civil Liberties Union of Washington, said: "There are hundreds of individuals waiting in jail for the state to provide these services who are suffering needlessly in jail."

Given that, Pechman's ruling adds to the urgency of Washington's mandate to deal with the situation. In August, the state Supreme Court ruled that keeping mentally ill patients in hospital emergency rooms while awaiting evaluation or treatment — often while strapped to a bed — violates their constitutional rights.

Locally, Clark County is developing a system that can serve as a blueprint for the rest of the state. Officials, making use of a 2012 state law that allows for counties to be reimbursed after providing mental evaluations, is finalizing a plan for a local panel of experts to offer assessments — rather than waiting for patients to be sent to Western State Hospital in the Tacoma area. Those initial evaluations will assist judges in determining whether a defendant should remain in custody or perhaps be sent to Western State Hospital for treatment.

Undoubtedly, there has been recognition of the problem. Gov. Jay Inslee's proposed two-year budget includes \$8.8 million to open a new 30-bed forensic ward at Western State Hospital and five forensic beds at Eastern State Hospital near Spokane. While next year's Legislature will be facing issues that appear to be more pressing — such as education funding — the court rulings emphasize the importance of improving the attentiveness to those dealing with mental illness.

But with or without pressure from the courts, the issue is one of moral importance. As anybody who has dealt with a mentally ill person can attest, compassion and treatment are imperative; the state would not consider locking up somebody who has, say, a severe heart condition while depriving them of their medication and hoping that the problem resolves itself. Yet that, all too often, is how society chooses to deal with those who are mentally unbalanced. As the ACLU's Chen said: "The only justification the state has offered is lack of money and resources. That's no justification for depriving people of their liberty."