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Shawn Vestal: Washington's mental health services a disservice

Shawn Vestal
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So a federal judge in Seattle has now formally ruled what is obvious on its face: Jailing the mentally ill while they wait for the state to provide them services is unconstitutional and "must stop."

This comes just a couple weeks after a Spokane judge started fining Eastern State Hospital over the same issue, and just a few months after the state Supreme Court made a similar ruling involving the practice of "boarding" mentally ill patients in hospitals.

For all intents and purposes, the state has been running a system of indefinite detention for the mentally ill.

"There are hundreds of individuals waiting in jail for the state to provide these services, who are suffering needlessly in jail," Margaret Chen, staff attorney with the American Civil Liberties Union of Washington, told the Associated Press. "The only justification the state has offered is lack of money and resources. That's no justification for depriving people of their liberty."

The judge in the case – a class-action lawsuit brought on behalf of patients in Western State Hospital in Lakewood – agreed.

"The state has consistently and over a long period of time violated the constitutional rights of the mentally ill – this must stop," U.S. District Judge Marsha Pechman wrote.

It must stop, she says.

Will it?

The Supreme Court's McCleary ruling on education funding requires that any money the Legislature finds in the couch cushions will go to schools. When this is placed into the context of the state's anti-tax super-minority – the number of never-taxers who will prevent two-thirds support for ever raising any money to fund state services – the reality is that we are letting virtually every other state obligation lapse, from parks to state police to services for the mentally ill.

Will these abuses of the mentally ill command anyone's attention in the legislative session to come? Gov. Jay Inslee has proposed raising capital-gains taxes to help restore funding to this system and others. Care to wager how that will fare?

Right now, if someone with a mental illness is arrested, and awaiting an evaluation to determine their competency before trial, we simply lock them up indefinitely. Very often, their conditions worsen while they wait. The state's two psychiatric hospitals – Eastern State Hospital in Medical Lake and Western State Hospital – are so behind that defendants in line for these evaluations will wait at least two weeks, and as long as two months, before receiving services.

State law sets a seven-day limit for such waits.

State budgets have made a mockery of that law.

Consider the evaluation of Kristina Ray, the mental health manager at the Spokane County Jail since 2008. Ray filed a declaration in the suit that Pechman ruled on this week.

In her declaration, Ray says that the Spokane County Jail – which is the only jail in the state to be licensed as a mental health provider – has been seeing more and more mentally ill inmates, with worse illnesses.

“I cannot verify why this trend is increasing, but based on my conversations with community providers, this increase of inmates with acute mental illness is due to limited community resources based on cuts in service provider budgets,” she said.

Spokane County has a mental health module for men. “The mental health module has a capacity of 46 inmates and, in recent years, is always full, which creates a waitlist of inmates waiting in other parts of the jail for a space to become available,” she said.

Women with mental illnesses are placed in solitary confinement throughout the jail.

“In addition to women,” she said, “the vast majority of inmates with mental illness are being held in solitary confinement. We have no other place for them. Unfortunately, solitary confinement is not therapeutic and exacerbates their symptoms.”

Ray says she has seen dozens of inmates “decompensate” – get worse – because of the jail conditions. She said that even though the jail is a licensed mental health provider, it cannot offer the range of therapeutic services needed.

“It is not uncommon for individuals to spend more time waiting in jail for a competency evaluation than (they would have) had they been convicted and served their sentences,” she wrote in her Oct. 1 declaration. “For example, I have been working with a woman who was charged with two counts of fourth-degree assault, both misdemeanors.

“She came to the jail on April 5, 2014, and was court-ordered for a competency evaluation on April 25, 2014. Her evaluation was finally scheduled for September 24, 2014. Six months (after her arrival), she is still in Spokane County Jail on suicide watch awaiting competency evaluation.”

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