

Mental illness diversion law encourages cross-system planning efforts

Introduction:

SSB-5533 of 2007 allows local prosecutors and law enforcement officials to divert from the criminal justice system individuals who have committed non-serious and non-felony crimes, if they are known by the Regional Support Network (RSN) to suffer from a mental disorder. The individuals can be held in a crisis stabilization unit for up to 12 hours, but they must be examined by a mental health professional within three hours of arrival.

Findings:

A 2008 telephone survey of key informants from county and city police departments, mental health agencies, and court systems of the State indicated minimal impact of SSB-5533 on jail diversion. Only two counties, Pierce and Yakima, are in compliance with the legislation at the time of the survey. Both counties already had secure and fully staffed crisis triage centers, along with a good history of collaboration among mental health and substance abuse professionals, law enforcement, prosecuting attorneys, and judges.

While informants believed the intent of the law was good, without outside funding and other critical elements of professional support, they can not develop the crisis response facilities required to comply. Specific barriers to implementation of SSB-5533 ranged from lack of funding to philosophical differences in how to manage diversion programs. The four most frequently mentioned barriers were:

- Lack of funding attached to the legislative mandate;

- Requirements for and lack of a 24-hour crisis stabilization facility that meets required standards;
- Rigidity of criteria for eligibility and assessments, such as overly limited types of crimes;
- Time restrictions, particularly the three-hour requirement for examination by a mental health professional.

Conclusions and Recommendations

While most counties and cities are not fully implementing SSB-5533, significant changes in efforts toward diversion from jail are occurring. These changes include: informal collaboration between law enforcement and mental health professionals; Crisis Intervention Team (CIT) training of law enforcement officers; Programs for Active Community Treatment (PACT) teams and a range of post-booking court options, such as; therapeutic, mental health, drug, and family courts.

Eight counties have taken advantage of the new 1/10 of one percent sales tax option (E2SSB5763) to fund local services, including diversion programs. These funds provide a good source of income for funding programs in larger communities, however, other sources of funding and treatment options will be required for smaller communities to comply with this law. Likewise, to be fully operational, the law may require revision to allow for more flexibility in administration.

Author:

Anne D. Strode, MSW, LICSW
Research Associate
Washington Institute for Mental Health
Research and Training
Washington State University Spokane