

2 **2SSB 6002** - H COMM AMD **ADOPTED 4/14/97**

3 By Committee on Criminal Justice & Corrections

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** (1) Many acute and chronically mentally ill
8 offenders are delayed in their release from Washington correctional
9 facilities due to their inability to access reasonable treatment and
10 living accommodations prior to the maximum expiration of their
11 sentences. Often the offender reaches the end of his or her sentence
12 and is released without any follow-up care, funds, or housing. These
13 delays are costly to the state, often lead to psychiatric relapse, and
14 result in unnecessary risk to the public.

15 These offenders rarely possess the skills or emotional stability to
16 maintain employment or even complete applications to receive
17 entitlement funding. Nation-wide only five percent of diagnosed
18 schizophrenics are able to maintain part-time or full-time employment.
19 Housing and appropriate treatment are difficult to obtain.

20 This lack of resources, funding, treatment, and housing creates
21 additional stress for the mentally ill offender, impairing self-control
22 and judgment. When the mental illness is instrumental in the
23 offender's patterns of crime, such stresses may lead to a worsening of
24 his or her illness, reoffending, and a threat to public safety.

25 (2) It is the intent of the legislature to create a pilot program
26 to provide for postrelease mental health care and housing for a select
27 group of mentally ill offenders entering community living, in order to
28 reduce incarceration costs, increase public safety, and enhance the
29 offender's quality of life.

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24 RCW
31 to read as follows:

32 (1) The secretary shall select and contract with a regional support
33 network or private provider to provide specialized access and services
34 to mentally ill offenders upon release from total confinement within
35 the department of corrections who have been identified by the

1 department of corrections and selected by the regional support network
2 or private provider as high-priority clients for services and who meet
3 service program entrance criteria. The program shall enroll no more
4 than twenty-five offenders at any one time, but shall seek to fill any
5 vacancies that occur.

6 (2) Criteria shall include a determination by department of
7 corrections staff that:

8 (a) The offender suffers from a major mental illness and needs
9 continued mental health treatment;

10 (b) The offender's previous crime or crimes have been determined by
11 either the court or department of corrections staff to have been
12 substantially influenced by the offender's mental illness;

13 (c) It is believed the offender will be less likely to commit
14 further criminal acts if provided ongoing mental health care;

15 (d) The offender is unable or unlikely to obtain housing and/or
16 treatment from other sources for any reason; and

17 (e) The offender has at least one year remaining before his or her
18 sentence expires but is within six months of release to community
19 housing and is currently housed within a work release facility or any
20 department of corrections' division of prisons facility.

21 (3) The regional support network or private provider shall provide
22 specialized access and services to the selected offenders. The
23 services shall be aimed at lowering the risk of recidivism. An
24 oversight committee composed of a representative of the department, a
25 representative of the selected regional support network or private
26 provider, and a representative of the department of corrections shall
27 develop policies to guide the pilot program, provide dispute resolution
28 including making determinations as to when entrance criteria or
29 required services may be waived in individual cases, advise the
30 department of corrections and the regional support network or private
31 provider on the selection of eligible offenders, and set minimum
32 requirements for service contracts. The selected regional support
33 network or private provider shall implement the policies and service
34 contracts. The following services shall be provided:

35 (a) Intensive case management to include a full range of intensive
36 community support and treatment in client-to-staff ratios of not more
37 than ten offenders per case manager including: (i) A minimum of weekly
38 group and weekly individual counseling; (ii) home visits by the program
39 manager at least two times per month; and (iii) counseling focusing on

1 relapse prevention and past, current, or future behavior of the
2 offender.

3 (b) The case manager shall attempt to locate and procure housing
4 appropriate to the living and clinical needs of the offender and as
5 needed to maintain the psychiatric stability of the offender. The
6 entire range of emergency, transitional, and permanent housing and
7 involuntary hospitalization must be considered as available housing
8 options. A housing subsidy may be provided to offenders to defray
9 housing costs up to a maximum of six thousand six hundred dollars per
10 offender per year and be administered by the case manager. Additional
11 funding sources may be used to offset these costs when available.

12 (c) The case manager shall collaborate with the assigned prison,
13 work release, or community corrections staff during release planning,
14 prior to discharge, and in ongoing supervision of the offender while
15 under the authority of the department of corrections.

16 (d) Medications including the full range of psychotropic
17 medications including atypical antipsychotic medications may be
18 required as a condition of the program. Medication prescription,
19 medication monitoring, and counseling to support offender
20 understanding, acceptance, and compliance with prescribed medication
21 regimens must be included.

22 (e) A systematic effort to engage offenders to continuously involve
23 themselves in current and long-term treatment and appropriate
24 habilitative activities shall be made.

25 (f) Classes appropriate to the clinical and living needs of the
26 offender and appropriate to his or her level of understanding.

27 (g) The case manager shall assist the offender in the application
28 and qualification for entitlement funding, including medicaid, state
29 assistance, and other available government and private assistance at
30 any point that the offender is qualified and resources are available.

31 (h) The offender shall be provided access to daily activities such
32 as drop-in centers, prevocational and vocational training and jobs, and
33 volunteer activities.

34 (4) Once an offender has been selected into the pilot program, the
35 offender shall remain in the program until the end of his or her
36 sentence or unless the offender is released from the pilot program
37 earlier by the department of corrections.

38 (5) Specialized training in the management and supervision of high-
39 crime risk mentally ill offenders shall be provided to all

1 participating mental health providers by the department and the
2 department of corrections prior to their participation in the program
3 and as requested thereafter.

4 (6) The pilot program provided for in this section must be
5 providing services by July 1, 1998.

6 NEW SECTION. **Sec. 3.** The department shall indemnify and hold
7 harmless the regional support network, private provider, and any mental
8 health center, housing facility, or other mental health provider from
9 all claims or suits arising in any manner from any acts committed by an
10 enrolled offender during his or her period of enrollment.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24 RCW
12 to read as follows:

13 The department, in collaboration with the department of corrections
14 and the oversight committee created in section 2 of this act, shall
15 track outcomes and submit to the legislature a report of services and
16 outcomes by December 1, 1998, and annually thereafter as may be
17 necessary. The reports shall include the following: (1) A statistical
18 analysis regarding the reoffense and reinstitutionalization rate by the
19 enrollees in the program set forth in section 2 of this act; (2) a
20 quantitative description of the services provided in the program set
21 forth in section 2 of this act; and (3) recommendations for any needed
22 modifications in the services and funding levels to increase the
23 effectiveness of the program set forth in section 2 of this act. By
24 December 1, 2003, the department shall certify the reoffense rate for
25 enrollees in the program authorized by section 2 of this act to the
26 office of financial management and the appropriate legislative
27 committees. If the reoffense rate exceeds fifteen percent, the
28 authorization for the department to conduct the program under section
29 2 of this act is terminated on January 1, 2004.

30 NEW SECTION. **Sec. 5.** If specific funding for the purposes of this
31 act, referencing this act by bill or chapter number, is not provided by
32 June 30, 1997, in the omnibus appropriations act, this act is null and
33 void.

34 NEW SECTION. **Sec. 6.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected."

3 Correct the title.

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