



Please **Support SB 181**

June 9, 2020

BACKGROUND AND WHO WE ARE – My name is Alison Butler and I am the Director of Legal Services at Disability Law Colorado; a nonprofit organization established to protect and promote the legal and human rights of people with disabilities. We are the Colorado arm of a nationwide network of Protection & Advocacy Systems created by federal law and established in Colorado in 1977.

WEARING 3 HATS TODAY

- Plaintiff in the decades-long Jail Wait Lawsuit
- Co-Chair of the Long-Term Competency Subcommittee of the Behavioral Health Task Force created by the Governor, in part, to help address the issues identified in the lawsuit
- As an individual who has been the victim of a crime committed by a person with a serious mental illness

JAIL WAIT LAWSUIT

In 2011, Disability Law Colorado filed a lawsuit against the state of Colorado after we found that people who were arrested and raised questions of competency to stand trial were waiting months in jail before getting an evaluation or receiving restoration services. Much of the time, while people waited in jail, they were not receiving appropriate or adequate mental health services and, in some cases, we found that people with Intellectual/Developmental Disabilities were not receiving any disability-appropriate services whatsoever. We filed suit and over the years we have settled the case three times and in all cases the state has not been able to comply with the settlement. Each time, the state has been overwhelmed with the demand for evaluations and placement in the state mental hospital in Pueblo. Most notably, our most recent settlement in 2019 called for fines when the state was not in compliance and by the end of May 2020, the state has paid 10 million dollars in fines. This annual cap is likely to be hit in the coming year, as well.

The problem is real – people desperately in need of treatment at CMHIP are instead languishing in jail for months and the state is paying huge fines as a result. ***SB 181 is bringing relief to a piece of this puzzle; it is helping ensure that the only people we have in jail awaiting treatment or in treatment itself at CMHIP or RISE are individuals that truly need to be there – either because of their clinical need for in-patient treatment, their threat to public safety, or their progress on gaining competency to stand trial.***

Likewise, the bill gets people out of the clogged system and off of the waitlist when they don't need to be there. This includes:

- People with misdemeanors who cannot afford bail but can be treated safely in the community
- People who, due to their disabilities, cannot ever attain competency, including I/DD, brain injuries and dementia
- People who have been involved in the system numerous times and the experts agree that they cannot attain or maintain competency through trial

This bill will help identify those individuals that are unnecessarily sitting in jail or the state hospital when they could be better served in the community or in the civil system and therefore frees up the limited resources the state has for in-patient competency restoration for those who need it most.

VOTE YES ON SB 181

This is your opportunity to help us fix one part of the flawed system and in so doing, save the state money and protect the constitution. I urge a yes vote on SB 181.

Thank you for your consideration.

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