
**Criminal Justice & Corrections
Committee**

HB 2025

Brief Description: Revising provisions for detaining persons with mental illness.

Sponsors: Representatives Haigh, Hatfield, Darneille, Lovick, O'Brien, Romero and Blake.

Brief Summary of Bill

- Directs the Criminal Justice Training Commission (CJTC) to offer a training session on developing approaches to dealing with individuals with mental illness.
- Prohibits certain person physically resisting under diminished capacity conditions from being charged with an assault offense.

Hearing Date: 3/4/03

Staff: Yvonne Walker (786-7841).

Background:

Criminal Justice Training Commission. The CJTC was established in 1974 for the primary purpose of providing basic law enforcement training, corrections training, and educational programs for criminal justice personnel, including commissioned officers, corrections officers, fire marshals, and prosecuting attorneys.

Basic law enforcement officer training is generally required of all full-time commissioned law enforcement employees employed in Washington. The training consists of a 720-hour program covering a wide variety of subjects, including constitutional and criminal law and procedures, criminal investigation, firearms training, and communication and writing skills. All law enforcement personnel hired, transferred or promoted, are required to complete the core training requirements within six months unless the employee receives a waiver from the CJTC.

Mentally Ill - Civil Commitment. A person may be involuntarily committed by a mental health professional designated by the county (MHPDC), who receives independently verified information alleging that the person: (1) presents a likelihood of serious harm to others or

him or herself; or
(2) is gravely disabled.

"Likelihood of serious harm" means that the person presents a substantial risk of physical harm upon one's own self, upon another, or upon the property of another or where an individual, who has a history of violent acts, makes threats to the physical safety of another. "Gravely disabled" means that the person because of a mental disorder cannot provide for his/her own needs or manifests severe deterioration in routine functioning.

A police officer may also directly detain a person for up to 12 hours based on the same criteria, but the person must be seen by a mental health professional within three hours, and by the MHPDC within 12 hours, or be released. The MHPDC may petition the superior court to detain the person for 72 hours more in order to evaluate and treat the person.

Summary of Bill:

Criminal Justice Training Commission. The CJTC must develop training for law enforcement agencies targeted toward developing approaches to dealing with individuals with a mental illness. The goal of the training is to help facilitate cooperative mental health police efforts and enhanced community protection by establishing: (1) crisis intervention protocols; (2) de-escalating potentially volatile situations; (3) assessing an individual's medication information and relevant history; and (4) evaluating an individuals' social support system. The training must include but is not limited to conflict management, ethnic sensitivity, cultural awareness, and effective crisis intervention techniques.

In addition, local law enforcement agencies are encouraged to form mental health police partnerships and in turn organize citizen-police task forces which meet regularly in order to promote greater citizen involvement in addressing the unique challenges posed by individuals with a mental illness. Partnerships that are formed are encouraged to report their formation and progress to the CJTC.

Mentally Ill -Civil Commitment. A person detained and taken into custody by a county designated mental health professional or peace officer cannot be charged with an assault charge if he or she is physically resisting under diminished capacity conditions and at least one of the following conditions is present:

- Proper and adequate crisis intervention training for detaining a person with mental illness was not provided to the detaining person;
- No permanent bodily harm was done to the detaining person;
- The detainee was psychotic at the time he or she was taken into custody;
- The detainee was acting in a defensive manner; or
- The detainee was not armed.

This act is known as the Shawn Bryan Act.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.