

PRESS RELEASE

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Disability Law Colorado Responds to Defeat of Bill Allowing Lengthy Time in Jail for People with Mental Illness

[Denver, CO] On the final day of the Colorado legislative session, SB18-252 – a bill that would have allowed the Colorado Department of Human Services to house people with mental illness in jail for up to five months while attempting to restore them to competency to stand trial – was killed following a last minute filibuster by Colorado Senator Irene Aguilar.

Disability Law Colorado opposed SB18-252 because of grave concerns regarding the unconstitutional timeframes for people awaiting appropriate competency treatment. The legislation that died at the stroke of midnight Thursday would have forced people with mental illness not yet convicted of a crime to languish in jails across the state for up to 150 days while the state attempted to restore them to competency. After that, if the person had not been restored, the individual would go on a list to be moved to a bed at the state hospital.

Attempting competency restoration in jails, as opposed to therapeutic environments, for as long as 150 days does not comport with scientific evidence and is considered unconstitutional. Had SB18-252 passed, Colorado would have been the only state in the union to codify in-jail restoration. In 2017 the Colorado Legislature had the foresight to declare an end to the practice of using jails to house individuals in a mental health crisis, because jails are not the proper place for therapeutic treatment of people with mental illness.

Disability Law Colorado viewed SB18-252's use of jails to treat detainees in crisis as a giant step backward by the state. The Department used the misinformation that fines would be immediately levied upon the state as justification to rush this bill through the legislature in the final two weeks. In fact, it would likely take several years for any fine to be levied against Colorado and only if the state doesn't act to reduce the waiting list. A trio of other bills supported by the organization will have immediate beneficial impact on this problem. If fines are imposed in future years, they would come as a requirement that the state fund community mental health services.

Mark Ivandick, managing attorney, said, "One would think that the pressure associated with the current federal lawsuit against the state by Disability Law Colorado for violating the terms of a settlement agreement would be a sufficient motivator to timely serve this population entrusted to its care, rather than pursuing legislation to avoid its responsibilities."

Ivandick further stated "We hope that Senator Aguilar's courageous support for vulnerable people will result in programs that do not rely on jails, but on community and inpatient options for people in a mental health crisis."

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About Disability Law Colorado: Disability Law Colorado, Colorado's Protection & Advocacy System, works to protect and improve the human, civil and legal rights of people with disabilities and older people by embracing opportunities to work on ground-breaking issues that change systems and improve communities. To learn more, visit: www.disabilitylawco.org.

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