

TESTIMONY

HOUSE
JUDICIARY COMMITTEE
TASK FORCE ON CIVIL COMMITMENTS

on

HOUSE BILL 1811
P.N. 2270

Establishing a civil procedure for the involuntary commitment of
sexually violent predators

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for
ALLIANCE FOR THE MENTALLY ILL OF PENNSYLVANIA

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The Alliance for the Mentally Ill of Pennsylvania (AMI of PA) is a statewide self-help organization of families of persons of all ages with a severe mental illness: schizophrenia, bipolar disorder, clinical depression, obsessive-compulsive disorder and panic disorder (illnesses known to be biological brain disorders), as well as borderline personality disorder. AMI of PA has more than 5,000 members across the Commonwealth.

Thank you, Mr. Chairman, for this opportunity to address our concerns with HB 1811, cited as the Sexually Violent Predators Act.

The Alliance for the Mentally Ill of Pennsylvania believes that placing sexually violent predators on the grounds of state mental hospitals under the auspices of the Department of Public Welfare will interfere with the recovery process for patients receiving treatment for brain disorders at those state hospitals. We believe this will be true even if sexually violent predators are segregated from the main population.

People with a mental illness already endure devastating stigma and discrimination. Despite ongoing efforts at public education, much confusion still exists in the public mind regarding the causes and effects of mental illness. Because of this, it is often very difficult for a person with a mental illness to obtain housing, employment and social opportunities. Making the Department of Public Welfare, and therefore the Office of Mental Health and Substance Abuse Services, responsible for sexually violent predators as well as persons with a mental illness will only serve to increase the confusion and fear felt by those who do not understand the true nature of mental illness. To blur the lines between criminals and people with brain disorders would be detrimental to the person with a mental illness who already faces terrific challenges in obtaining community acceptance. From the neighbor who may generalize that all people with a mental illness are possible sex predators, to the families who may not seek help for their ill loved one due to shame, there is much to be lost in allowing sexually violent predators to be dumped in the lap of the state hospital system.

Our state mental hospitals are for the treatment of people with serious brain disorders, such as schizophrenia and the affective disorders. Brain disorders are treatable. There is no conclusive scientific evidence that pedophilia and other sexual disorders are biological brain disorders, nor is there evidence that treatment for these sexual disorders works.

Funding for the placing of sexually violent predators in our state hospitals is also a critical issue.

The detention of sexually violent predators is a public safety issue and should be paid for with state funds earmarked for public safety, not with state mental health funds targeted for the care and treatment of people with a mental illness.

By mandating responsibility for all costs of control, care and treatment to the Department of Public Welfare, who will in turn deligate management and cost responsibility to the Office of Mental Health and Substance Abuse Services, substantial resources which are already under attack will be diverted from medical care to criminal containment.

Our state hospitals and forensic units are already running at capacity. As over ninety-two percent of state hospital funding goes to staff salary, staffing must be reduced in order to transfer funding to the community for care and treatment of persons with mental illness. Staffing will not be reduced if there is an increase in the census due to the mandatory placement of sexually violent predators.

With the advent of new, more effective medications, most people with a mental illness now housed in our state hospitals will be returned to more cost-effective community support programs to receive treatment, obtain a job and be a productive citizen. Without funding in the community, people with a mental illness are at risk of falling through the cracks, as Russell E. Weston, Jr. did so memorably just a few short weeks ago. We need to continue transferring state hospital funding to the community. We can't do that if our state hospitals have to care for sexually violent predators just because our justice system doesn't know what else to do with them.

AMI of PA makes the following recommendation:

- The General Assembly must change the sentencing guidelines for sexually violent predators to avoid civil commitment under the Department of Public Welfare.

Please do not create more stigma for us while diverting critical resources from those needy people already under the responsibility of the Office of Mental Health and Substance Abuse Services. Civil commitment of sexually violent predators may look politically attractive in the short run, but it is bad public policy over the long haul.

Our prisons are poor hospitals for persons with a serious mental illness. If this bill passes in its present form, Pennsylvania's psychiatric hospitals will be poor prisons.

Thank you, Mr. Chairman.