

Testimony
of
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before the

Judiciary Committee of
the House of Representatives

RE: House Bill 1811

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Good Afternoon, Mr. Chairman and members of the committee. My name is Michael Chambers and I am the Executive Director of the Mental Health/Mental Retardation Program Administrators Association of Pennsylvania, an affiliate of the County Commissioners Association of Pennsylvania. Thank you for offering me the opportunity to testify on HouseBill 1811, known as the Sexually Violent Predators bill.

As I understand the bill, it is designed to establish a class of involuntary civil commitments to provide long term care and treatment to sexually violent predators who, primarily, have served criminal sentences for their acts, but who are at high risk of repeating their offenses. While a number of safeguards are built into the process to assure fairness, the ultimate goal is to prevent these criminals from presenting a danger to our communities.

Rightfully, the bill recognizes that these persons are generally not mentally ill. Therefore, the bill establishes a classification of "mental abnormality" which would make civil commitment legally possible, in the absence of mental illness. The bill also recognizes that treatment of this population is extremely difficult. Despite a few scattered successes, broad scale treatment cannot be expected to be successful, even in the short term

and certainly will not be reliable over time. We cannot depend on any treatment program for sexual predators to protect our families from them.

My concerns stem from the stigma applied to mental illness and the issues that arise from that stigma. People with mental illness are no more violent than the general population. In fact, they are more vulnerable to victimization of all sorts than the general population. Still, when a person who has a mental illness is charged with a violent crime, the news media identify him or her as mentally ill or as a “mental patient” and the public develops an image of mental illness that is distorted. ¹ Discrimination against people with mental illness has made it very difficult to develop and maintain community-based services and supports which help them to live successfully in their communities. Discrimination has made it possible for health insuring organizations to deny or severely limit treatment for mental illness. Decent housing and employment are unavailable for many people who have mental illness. Consumers of mental health services and supports, their families, advocacy organizations, service providers and counties have fought against stigma for years, in a variety of ways.

Despite the definition provided in this bill, most people will not differentiate between “mental abnormality” and mental illness. The confusion is exacerbated by the use of “mental health experts” in the

treatment team which initially assesses whether or not a person is considered to be a sexually violent predator. The bill would require that persons civilly committed as sexually violent predators be confined in institutions established by the Department of Public Welfare compounds the issue. DPW is the agency that is ultimately responsible for services to Pennsylvanians who have mental illness and is the entity responsible for the management of state mental hospitals. This clearly links the term "mental abnormality" with mental illness.

At its core, House Bill 1811 is not really intended to provide effective treatment or rehabilitation as much as it is expected to confine sexually violent predators for the good of society without violating their constitutional rights and other rights under criminal statutes. I believe that an overwhelming majority of Pennsylvanians would agree that they and their families deserve such protection.


On the other hand, I believe that, if these criminals are to be confined beyond the terms of their criminal sentences, that confinement should be provided as far away as possible from Pennsylvania's mental health service system.

If this bill, or a similar one must be passed, I make the following recommendations:

1. *Assign the responsibility to some department of state government other than the Department of Public Welfare.* This will help to separate mental illness from criminal sexual behavior in the minds of the public. It will also reduce competition for funding between services for people with mental illness and the confinement of criminals, which would surely occur within the legislative appropriations and within the Department. The desire to establish a new system of confinement should not, in any way, be allowed to negatively affect services and supports to Pennsylvanians who have brain diseases.

The Department of Public Welfare provides services and treatment through its state mental hospitals and its mental retardation centers. Because treatment is not a serious consideration of this bill, management of this new type of institution is not within the mission of DPW.

2. *Provide a cost analysis and economic impact statement with this bill, considering both short and long term implications.* The required institutions as well as the administrative and legal costs will be extreme. Last year, Charles Curie, Deputy Secretary for Mental Health and Substance Abuse Services conservatively estimated that the annual operational expense for one 250 bed unit would be \$42 million at a per diem cost of \$450. Because confinement would be long term, the numbers would rise each year.



Mr. Curie added that DPW does not have capacity for this service and would have to spend at least \$22 million to bring some existing facilities to standard. I believe that his projections are as close to accurate as any figures can be without a careful and prudent evaluation. Additional costs to the judicial system should also be considered. At any rate, the potential cost of long term confinement is staggering and should be examined before any bill of this type is passed into law.

3. *Provide an appropriation when passing the bill.* Costs of this bill will be so extensive that all involved should clearly understand its potential impact. Of course, the costs of county government related to this bill should be included. There should be no unfunded mandates to divert funds from other areas of public service to care for this criminal class.

Thank you for the opportunity to offer some of my thoughts on House Bill 1811.