

Position in Opposition of LD 440

“An Act to Create a Secure, Therapeutic Mental Health Unit”

The State of Maine already has an outstanding mental health intensive treatment unit within the Department of Corrections. The intensive treatment unit, located at Warren State Prison, is addressing the treatment needs of those in the custody of the Department of Corrections. As a resource to Maine’s jails, the unit is a strong option. While appearing to propose an alternative treatment option for individuals found not criminally responsible (NCR) by a court of law, this bill actively criminalizes mental illness by sending these individuals to a correctional setting instead of treating them in a specialized hospital unit. The standard of care for such a correctional program is not legally equivalent to the standards for treatment in a hospital setting.

Hospitals aim for recovery; correctional settings manage behavior.

NAMI supports the creation of a small (up to 10 bed), specialized treatment unit in Maine that would serve those individuals who have a severe mental illness accompanied by physically aggressive behavior. However, allowing individuals with serious mental illness to be sent to Maine State Prison, even after a court had deemed them not criminally responsible, is wrong. NAMI’s strong opposition to the legislation centers around allowing Warren State Prison to be an option for individuals found not criminally responsible. A court of law has determined the person in question did not have the ability to form intent and therefore it is not legally appropriate to hold them accountable; yet, the proposed legislation would amend the law to allow them to be sent to prison. Misleading statements that people found not criminal responsible (NCR) have committed “intentional violent acts” shows a complete ignorance toward mental illness, and more specifically, psychosis.

NAMI’s primary concern is ensuring every person with mental illness in Maine has access to individualized services that meet their level-of-care needs. We are concerned that all individuals who require hospitalization have a safe and appropriate treatment environment, regardless of their behavioral challenges. Clinically, a correctional-based and administered program targeting a large population of men with acute mental health needs and aggressive behavior is not a sound treatment approach. Behavioral management will quickly emerge as the pressing need, and treatment needs will cease to guide decision-making.

Simply stated, this bill criminalizes mental illness by placing individuals in the care of a system focused on behavior management, in lieu of mental health treatment. People found guilty go to prison; people determined to be ill need treatment.