



PRESS RELEASE
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West Virginia Advisory Committee to the U.S. Commission on Civil Rights Releases Advisory Memorandum:

Interaction between Individuals with Mental Health Issues and the Criminal Justice System in West Virginia

The 2015–2019 members of the West Virginia Advisory Committee to the U.S. Commission on Civil Rights issued an [Advisory Memorandum](#) summarizing a full-day public briefing on mental health and the criminal justice system conducted by Committee members appointed from 2013–2015. The Committee members heard presentations from subject-matter experts at the briefing, which took place on August 14, 2015 at the state Capitol in Charleston. Unfortunately, the members' terms ended before the report of the Committee's examination of mental health and the criminal justice system could be prepared and published.

The 2015-2019 Committee members recognized the rich record generated at the 2015 briefing on the topic. Committee member Anne Marie Lofaso prepared the Advisory Memorandum with the help of four West Virginia University law students whom she supervised.

The Memorandum identifies themes that emerged from the briefing and is organized in five parts: (1) statement of the problem, (2) highlights of subject-matter experts' presentations around the themes, (3) summary of the experts' observations and conclusions, (4) a legislative update, and (5) possible future issues for review.

Five themes emerged from the briefing:

1. The criminal justice system is not the adequate vehicle for servicing individuals with mental health issues;
2. Mental health courts have proven to significantly reduce recidivism rates;
3. Increased and continuous training and education of law enforcement agents - especially on how to interact with individuals with mental health issues - will reduce police encounters;
4. Substance abuse treatment must also address mental health issues. The criminal justice system should not conflate treatment for one as treatment for both; and
5. Community-based care is a necessary addition to West Virginia's approach to treating individuals with mental health issues; it can alleviate burdening the criminal justice system.

Key observations and conclusions agreed upon by panelists include:

1. The West Virginia criminal justice system generally lacks the tools necessary to treat individuals with mental health issues;
2. More data are needed to accurately measure the number of individuals with mental health issues in the criminal justice system;
3. As funds are continuously diverted away from community-based programs, jails and prisons will continue to be the lead providers for individuals with mental health issues;
4. Untreated, individuals with mental health issues are likely to be re-arrested;
5. There is a dearth of options for individuals with mental health issues, especially when those mental health issues coincide with substance abuse. Both mental health and substance abuse issues need to be treated together, as two separate and simultaneously occurring issues and not conflated as one disease;
6. More training of all actors in the criminal justice system is needed to identify and properly interact with individuals with mental health issues. These individuals should also receive holistic care.

The memorandum provided the following legislative update: in 2019, the state Legislature passed legislation re-establishing Veterans' Treatment Courts, including the Veterans' Court Component of the Northern Panhandle Mental Health Court that had been abolished in 2017, for budgetary reasons.

As the topic for their civil rights project, members of the 2015–2019 West Virginia Advisory Committee selected the collateral consequences of a criminal record. See the resulting report [here](#).

Lisa Younis, newly appointed Committee chair, observed, that “[T]he memo sheds light on two significant trends. First is the well-intentioned but misguided treatment of persons with mental illnesses who encounter the criminal justice system. Second is the conflation of mental illness and drug addiction. Given the current opioid epidemic, we hope that West Virginia stakeholders will recognize that this issue merits immediate attention.”

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