

FOR IMMEDIATE RELEASE
September 3, 2020

Contact: Disability Law Center of Alaska
Mark Regan, Legal Director
(907) 771-8809
mregan@dlcak.org

JUDGE ACCEPTS AGREEMENT TO LIMIT HOW PEOPLE IN MENTAL HEALTH CRISES CAN BE HELD IN JAILS OR HOSPITAL EMERGENCY ROOMS

ALASKA – When people are having mental health crises, the last thing they should have to do is wait to be evaluated, in custody, in a hospital emergency room, or, worse, in a correctional facility. Yet that is what has been happening to people in crisis since API reduced its evaluation and treatment capacity in the fall of 2018. The Disability Law Center sued to eliminate this practice in October 2018, and Judge William Morse has now approved an agreement that will make it possible for people to get evaluated, if necessary and clinically appropriate, in the places where they are being held.

Judge Morse issued his approval order September 3, 2020, and a copy of his final judgment is available here <https://www.dlcak.org/files/6515/9917/6275/3AN-18-09814CI.pdf>

Judge Morse had ruled last fall that when and if an evaluation facility like API is not accepting new patients, Alaska law requires the State to take steps to promptly evaluate people in other ways, and that there are serious constitutional problems with holding people in correctional facilities awaiting evaluation. The State has now agreed with the Disability Law Center and the Public Defender Agency to follow the law as Judge Morse has interpreted it, and to add to the remedies Judge Morse had proposed some important ways to protect people's rights.

Specifically, the agreement says that DHSS will train peace officers holding people in mental health crises not to bring people to jails, and will take steps to get people out of jails for evaluation when they start out there, as, for example, when criminal charges are dropped because a defendant is not competent and the defendant is going into the civil commitment system.

The agreement also provides that if necessary and clinically appropriate, DHSS will send mental health professionals to conduct mental health evaluations at the places where people are being held, such as hospital emergency rooms.

In the longer term, the Disability Law Center and DHSS expect that there will be more places in the community to treat and evaluate people in crisis than API, Mat-Su Regional Health Center, Fairbanks Memorial Hospital, Bartlett Regional Hospital, and PeaceHealth. Under the Crisis Now system, currently being pioneered by the Mental Health Trust and the State, places like short-term 3-5 day stabilization centers should be available to conduct evaluations. More generally, the Crisis Now system should make it possible for more people to get treatment in the community as opposed to in long-term institutions. The agreement that Judge Morse has approved emphasizes that Crisis Now is a main part of the solution for the current crisis.

###

The Disability Law Center is an independent non-profit law firm designated as the State of Alaska's Protection and Advocacy System, providing legally based advocacy to people with disabilities statewide.