



Memo Re: S.183, Forensic Mental Health
Senate Judiciary Committee
February 17, 2020
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On behalf of the **Vermont Medical Society** and the **Vermont Psychiatric Association**, we are writing to express our support of the amended version of **S.183**, as strengthening forensic mental health infrastructure in Vermont is critically important for:

- Forensic patients with mental illness and court involvement;
- Health care providers in Vermont emergency rooms;
- Patients in Vermont emergency rooms;
- Inpatient psychiatric care providers;
- Community providers
- Victims of “big twelve” offenses, and;
- The public safety of all Vermont citizens.

We also encourage you to support the Department of Mental Health (DMH) recommendations, as they provide opportunities to improve our systems of care for individuals with mental illness and justice involvement. Please include these additions to S.183:

DMH Party Status - Extending party status to DMH will assure the defendant/patient will get clinically appropriate treatment and the most appropriate level of care and placement.

Separate Competency and Sanity Evaluations – A defendant needs to first be determined to be competent to stand trial before a sanity evaluation can be done. As the sanity evaluation is assessing the mental state of the defendant at the time of the alleged crime, whereas competency to stand trial is a real time evaluation to assess an individual’s ability to participate meaningfully in the legal process.

The Forensic Working Group Should Be Adequately Funded to Include an Independent Evaluation of:

- How states have created a forensic system of care, i.e. reviewing the Connecticut Psychiatric Security Review Board (PSRB);
- The creation of a competency to stand trial restoration program;
- How states use the dual status of “Guilty but Mentally Ill” (GBMI) and Not Guilty by Reason of Insanity (NGRI); and

- How states have best provided victim notification and met with HIPAA compliance requirements.

System of Oversight for Forensic Evaluators – By standardizing the training and oversight of forensic evaluators each defendant can receive equal treatment and determination based on the same evaluation protocols. This training can better satisfy public safety expectations while providing for the most appropriate placement and care for the defendant.

Thank you for your consideration. Please contact Jill Sudhoff-Guerin at jsudhoffguerin@vtmd.org if you have any questions.