

State unveils redo of defendant mental exams

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State authorities unveiled a program Thursday to streamline the legal process for criminal defendants whose mental health has been called into question.

The program restructures the procedures for providing mental evaluations in criminal cases and is expected to add about \$1 million to the Arkansas Department of Human Services' budget.

But the change also has the goal of improving the lives of defendants whose untreated or under-treated conditions — such as mental illness, substance abuse or developmental disabilities — regularly bring them into contact with law enforcement officials by getting them into treatment and counseling.

The revamped evaluation system, scheduled to go into effect on March 15, was announced by Human Services Director Cindy Gillespie with Deputy Director Dawn Stehle and Jay Hill and Patricia Gann, director and deputy director, respectively, of the agency's Aging, Adult and Behavioral Health Services Division.

The behavioral services division is responsible for arranging the forensic mental evaluations for defendants whose fitness to stand trial has been called into question.

Judges order about 2,000 forensic evaluations each year, making Arkansas the third in the nation per capita for such examinations, figures provided by the agency show.

The evaluations are to diagnose defendants for possible mental illness and determine whether they understand the criminal proceedings and can assist in their defense.

A finding that a defendant is mentally ill can lead to a secondary evaluation for criminal responsibility to determine whether the defendant knew right from wrong at the time of the offense and was able to control his behavior at that time.

State law requires the evaluation, in the form of a report, be completed within two months, a standard the agency rarely meets, Gillespie acknowledged.

The criminal case cannot

progress until the defendant's mental status has been established, so delays in the evaluation process regularly add months to proceedings that are generally required to be concluded within nine months to a year under the U.S. Constitution's speedy-trial requirements.

The evaluation restructuring, the result of months of review, has three goals, Gillespie said:

- m Connecting defendants with treatment for mental and physical health issues, including substance abuse treatment.

- m Improving the timeliness and quality of the evaluations.

- m Doing a better job of communicating with the courts and lawyers about the process.

Staff attorney Debora Inman, the agency's newly minted forensic administrator, said the agency plans to meet these goals by mid-September, six months after they take effect.

A significant portion of the additional expense will come in the way the department pays the doctors who perform outpatient evaluations, which account for about 83 percent of the examinations performed annually.

Currently, the examiner, a psychiatrist or psychologist under contract with one of the state's 12 Community Mental Health Centers, is paid \$500 per exam.

The new plan will increase payment to \$750 with an additional \$500 for each required court appearance. Examiners who are late completing evaluations will be assessed a \$250 penalty.