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**To:** [Comments](#)  
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**Subject:** Follow up to MPAS comments  
**Date:** Tuesday, June 12, 2018 3:17:24 PM  
**Attachments:** [MIDC mental health standards comments 6-18.doc](#)

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Greetings Commission members:

Thank you for hearing our testimony today on the need for mental health awareness in the qualifications for defense counsel as part of MIDC Standard 7. At your suggestion, I reviewed Standard 2. Standard 2 requires an initial interview on, among other topics, any immediate mental or physical health needs, and places a duty on defense counsel to raise competency issues with the court. We support these standards and would add that defense counsel is uniquely situated to also raise issues identified in that initial interview related to the need for mental health services in jail and the civil aspects of adjudication such as civil commitment and diversion.

I have attached an electronic copy of our comments for your use. Please feel free to contact me if you have any questions. Thank you again for hearing our comments.

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PROTECTION & ADVOCACY  
SERVICE, INC.

Elmer L. Cerano, *Executive Director*

June 12, 2018

To the Michigan Indigent Defense Commission:

Michigan Protection & Advocacy Service, Inc. (MPAS) is a private, nonprofit corporation mandated to advocate for people with disabilities in Michigan. MPAS receives many requests for assistance regarding people with mental illness in the criminal justice and corrections systems and has advocated throughout the years for appropriate mental health supports in those systems.

The National Alliance on Mental Illness (NAMI) reports that nearly 15% of men and 30% of women booked into jails have a serious mental health condition. Most are awaiting trial or serving short sentences. NAMI estimates that at least 83% of jail inmates with a mental illness do not have access to needed treatment, and many lose access to employment and housing once they leave jail. Many individuals wind up homeless, in emergency rooms or back in jail. People with mental illness in the corrections system fare little better.

MPAS supports indigent defense standards that include qualifications related to basic awareness about mental health issues for defendants, including competency to stand trial, not guilty by reason of insanity (NGRI) defenses, access to mental health services in jails and prisons, diversion and release programs, and related civil commitment standards. Competency in these areas is crucial to protect the health and rights of people with disabilities in the criminal justice system.

Please contact Mark McWilliams at (517) 487-1755 or [mmcwilliams@mpas.org](mailto:mmcwilliams@mpas.org) if you have any questions or need more information.

Sincerely,

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