Disability Law Center Sues State Hospital System for Failing Criminal Defendants with Mental Illness

Today the Disability Law Center (DLC) and a group of individual plaintiffs, represented by DLC attorneys and the law firm of Snell & Wilmer LLP, filed a class action lawsuit against Utah’s Department of Human Services (DHS), Division of Substance Abuse & Mental Health (DSAMH), and the Utah State Hospital (USH), charging that these state entities are systematically forcing vulnerable criminal defendants to languish in jail while waiting months to be transferred to USH for treatment. The suit alleges that the state hospital system’s inability to provide incompetent criminal defendants with court-ordered restoration treatment within a reasonable time frame violates their due process rights.

Under state and federal law, people who lack the ability to understand the nature of criminal court proceedings due to mental illness cannot be tried or sentenced. In Utah, when a criminal court determines that a defendant is not competent to proceed to trial, state statute requires that DHS take custody of defendants and transport them from jail to the Utah State Hospital where they can be treated, and, if possible, restored to competency so that they can eventually return to court and face their charges. The Complaint alleges that since members of the plaintiff class have not been convicted of a crime, and are too ill to stand trial, the U.S. Constitution forbids the state from simply leaving them in jail for protracted periods. Plaintiffs allege that the due process clause of the 14th Amendment requires that the state transfer them from jail to the designated treatment facility in a reasonably timely manner. In similar cases from across the country, some courts have determined that this should take place within as little time as seven days. Presently in Utah, incompetent defendants wait as long as seven months or more before they are transferred to the hospital for treatment and restoration services.

“For defendants with mental illness stuck in this jail ‘limbo,’ these long delays result in needless suffering, including steadily worsening symptoms, self-mutilation, suicide attempts, and prolonged detention in solitary confinement. The DLC and the other plaintiffs allege that warehousing these very ill people in jail when they have not been convicted of any crime, and are legally unable to stand trial for a crime, is both cruel and unconstitutional,” said DLC Legal Director, Aaron Kinikini.

Jared Fields, a partner in Snell & Wilmer’s litigation group and president of the DLC’s Board of Trustees, noted that, “While the state’s ongoing practice of placing incompetent defendants on a perpetual wait-list is due to a chronic shortage of funding, beds, and staff at the Utah State hospital, such a fiscal bind certainly does not excuse it. Our Complaint argues that fundamental constitutional rights cannot be honored or denied based on the political will to make legislative appropriations.”

In the lawsuit filed today, the DLC demands that the Utah Department of Human Services (DHS) eliminate these unacceptable delays and find a sustainable solution to what has been an on-going, pervasive problem and a systemic civil rights violation. The named plaintiffs seek to represent a class of plaintiffs which consists of criminal defendants who are currently, or will be in the future, deemed incompetent and ordered to receive restoration treatment by DHS. The lawsuit asserts that criminal defendants who have been declared incompetent to stand trial should be
transported from jail to the Utah State Hospital in a timely fashion after DHS receives the court’s order, and should be provided the needed treatment upon arrival.

The DLC has partnered with attorneys from the Salt Lake office of Snell & Wilmer LLP on this important litigation. Snell & Wilmer is a regional law firm with more than 400 attorneys in offices throughout the western United States and Mexico. Alan Sullivan and Jared Fields are partners in the firm’s litigation group, and they bring extensive litigation and trial experience. Mr. Sullivan has been practicing in Salt Lake City for 40 years and has represented clients in many high-profile cases in Utah and throughout the country. Mr. Fields, in addition to his DLC Board service, has been practicing commercial litigation in Salt Lake City for 11 years.

The lawsuit was filed in the U.S. District Court for the Central District of Utah. The Complaint can be viewed at [http://bit.ly/1NgExMh](http://bit.ly/1NgExMh).

Disability Law Center (DLC) is the federally mandated system of protection and advocacy for people with disabilities in Utah. DLC’s mission is to enforce and strengthen laws that protect the opportunities, choices, and legal rights of Utahns with disabilities. Our services are available statewide; free of charge, regardless of income, legal status, language, or place of residence.

Snell & Wilmer, LLP is committed to community service and leadership. Each office takes pride in serving its communities by directly supporting local organizations and by supporting the involvement of attorneys and staff in their community activities. The firm and its attorneys also provide pro bono services in significant civil rights and public interest matters.

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