

March 12, 2012

Senator Tim Owens, Chair  
Committee on Judiciary

Senator Owens,

I want to take this opportunity to express my support for House Bill 2600 which amends the mental health confidentiality exception pertaining to communications between law enforcement officers and treatment personnel when officers respond to calls involving someone who is (or might be) mentally ill. The exception in the current language applies only to situations where the individual in question has been arrested. The proposed amendment would change the the word "arrested to "detained".

As you know, I retired at the end of last year after 26 years as Executive Director of Johnson County Mental Health Center. From that vantage point, I can tell you that each year we were involved in literally hundreds of situations involving encounters between law enforcement officers and our clients, many of whom experienced serious mental illness. Our ability to share information with officers in these events was invaluable in reaching the best outcome, often helping the person in question access treatment as opposed to arrest or jail.

We found that restricting our ability to communicate with officers only to situations where the person was arrested was limiting, and often counter to achieving the most desirable outcome. The large majority of encounters between law enforcement and someone who is mentally ill do not rise to the level of arrest, but rather call for problem solving and collaboration between the officer and a mental health professional. Changing the language from arrested to detained will definitely promote this collaboration, and very likely avoid arrests that might otherwise be made simply to allow the officer to obtain information needed to make the right decision.

Thanks for the opportunity to provide you with my perspective on this important amendment.

David Wiebe

Senate Judiciary  
3-12-12  
Attachment 2