



Statement of Anna Rapa
Public Hearing of the Mental Health and Wellness Commission
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Grand Rapids, Michigan

My name is Anna Rapa. I am a court-appointed criminal defense attorney in West Michigan. Nearly every day I encounter someone who is mentally ill and who has also committed a crime. In that situation, our community has a lot of important interests to balance. We must balance the need to protect the community from the very small percentage of mentally ill people who have become dangerous to the community. We must balance the rehabilitation and treatment needs of each person with mental health issues. We must find a way to support the families of those who struggle with their mental health. We must punish criminals for their crimes and find a way to transition them back into the community after they have paid the penalty demanded by the community and issued by the courts.

As an advocate, my concern is for my clients. The clients who are locked up when they could be safely case-managed and treated. The clients who are so imprisoned by their own mental health issues that no prison or punishment could ever exceed the suffering they live with each day. But my concern is also for the community. Because when mentally ill people who could be case-managed and treated are sent to prison, our entire community has lost out on their contributions to our society. In many cases, taxpayers are also spending more for their incarceration than we would be for their case management and mental health treatment.

As an advocate, I believe we need to see a change in state law. The governor has instituted some pilot mental health courts, and that is a good start. But to truly balance the needs of justice, to give dignity to our mentally ill criminal population, and to provide adequate protection to the public, we need a mental health diversion program written into our state criminal statutes that would allow judges to take criminal pleas under advisement where there is a documented mental health issue that is contributing to the criminal behavior. We already have models for such a diversion program in our first-time domestic violence diversion statute, MCL 769.4a and our first-time substance abuse diversion under MCL 333.7411.

The legislature would have to balance what crimes might be excluded as too dangerous from such a diversion program. It would also have to decide whether it would only apply for first-time offenders or for subsequent crimes of the mentally ill. But I believe that such a diversion program would allow local case managers and courts to work more closely together to prevent crime and see the needs of the community balanced with the needs of those with mental health issues.

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