

NAMI STATEMENT: How We Talk About People Deemed IST

- People with mental illness deserve help, not handcuffs.
- Unfortunately, people with mental health conditions are overrepresented in our nation's jails and prisons — often as a result of low-level misdemeanors that may stem from symptoms of their condition.
- When a person faces criminal charges, they have a right to a fair trial, including being competent to stand trial, which means they are able to understand the charges against them and contribute to their defense.
- Many states' competency restoration systems are overwhelmed and face significant backlogs, which means that some defendants can wait weeks or months for assessment and restoration services to become available.
- When competency restoration delays happen, the defendant's trial cannot proceed, and they are kept in jail until the process is complete — where there is poor mental health care available.
- Many who have been charged with low level misdemeanor crimes can spend more time incarcerated waiting for these services than if they were convicted of the initial crime.
- People with mental illness deserve equal protection under the law, including access to a speedy trial and not be subject to unnecessary incarceration.
- Timely access to restoration services and supports is key to preventing long and unnecessary incarceration.
- Community-based competency restoration is critical to reduce the backlog by allowing some individuals to receive competency restoration services in the community, instead of an institutional setting like a jail or state hospital.
- Expanding access to community-based competency evaluation and restoration services is less expensive. But more importantly, it can help prevent people with mental health conditions from experiencing unnecessary incarceration, while allowing them to focus on recovery and community connections.