



Testimony by Bob Spada
Board Member; National Alliance on Mental Illness of Ohio
Before the Ohio Senate Criminal Justice Committee
On S.B. 162
February 10, 2016

Thank you Chairman Eklund , Vice Chairman Obhof, Ranking Member Thomas and members of the Committee, for the opportunity to testify before you today on S.B. 162. For those of you who are not familiar with the National Alliance on Mental Illness of Ohio, we represent the voice of over 525,000 individuals living with serious mental illness, including schizophrenia, bipolar disorder and major depression and their families.

The U.S. Supreme Court ruled in two separate cases that it is cruel and unusual to sentence individuals with mental retardation and those under the age of 18 to the death penalty. The reason given for these decisions was that these individuals do not have the same level of judgment, understanding or self-control as do others who commit murder. The Supreme Court has not ruled on whether certain individuals with serious mental illness fall into the same category. We believe that those who commit violent crimes while in the grip of a psychotic delusion, hallucination or other disabling psychological condition lack judgment, understanding or self-control. Until such time as the U.S. Supreme Court decides on this question, the responsibility for prohibiting the execution of such individuals in Ohio rests with the Ohio General Assembly.

The vast majority of people with serious mental illness are not violent. In fact, individuals suffering from major brain disorders are eleven times more likely to be victims of crime than to commit a crime. (Source: NIMH) However, lack of appropriate treatment can exacerbate the symptoms of serious mental illness and lead to negative outcomes such as homelessness, suicide, and criminal behavior.

When violent tragedies do occur in which the perpetrator had a mental illness, it can often be traced back to a break down in the mental health system. It is not uncommon for such individuals who need hospital level of care to be rejected or discharged back to the community prematurely.

Proponents of the death penalty often point to the families of the victims of violent crime and argue that they deserve retribution. Many of these families, however, are among the staunchest advocates for exempting those with serious mental illness from the death penalty. What justice is served, they ask, when the person who is responsible for the death of their loved one was not in control of his or her actions? Instead, the victims want to know what they can do to make sure such a tragedy does not happen to someone else's family.

A special report jointly published in 2009 by Murder Victims' Families for Human Rights and the National Alliance on Mental Illness titled *Double Tragedies* stated that the death penalty is "inappropriate and unwarranted" for people with serious mental illness and "a distraction from problems within the mental health system that contribute or directly lead to tragic violence."

The death penalty is not the answer to the problem of violence committed by persons with serious mental illness. The better policy is access to appropriate mental health care. One day, we will look back and be ashamed that we let individuals with serious mental illness be executed.

On November 9th, nine statewide organizations, which represent thousands of Ohioans living with mental illness, family members, provider organizations and mental health boards, issued a statement urging the Members of the General Assembly to support passage of S.B. 162. I have attached a copy of the statement to my testimony. Those organizations include:

- National Alliance on Mental Illness of Ohio
- Ohio Psychiatric Physicians Association
- Ohio Psychological Association
- Ohio Council of Behavioral Health & Family Services Providers
- Ohio Association of County Behavioral Health Authorities
- Mental Health and Addiction Advocacy Coalition

- Buckeye Art Therapy Association
- Ohio Empowerment Coalition
- National Association of Social Workers – Ohio Chapter

On behalf of all of these organizations, I thank you for giving this bill your serious consideration. I'm happy to answer any questions.