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February 12, 2013

Hon. Governor Jan Brewer
1700 W. Washington Street
Phoenix, AZ 85007

RE: Medicaid Expansion.

Dear Governor Brewer,

I write today to express my support for your proposal to expand Medicaid coverage as outlined in your State of the State address. There are of course many aspects of your proposal that have drawn much attention from a wide variety of groups. And while I believe that all of the issues raised are important, I wish only to address one aspect of Medicaid expansion, one which unfortunately is too often overlooked in the debate.

I am a career prosecutor and have just begun my fifth term as the elected Greenlee County Attorney. Over the twenty years that I have been involved in the criminal justice system, I have recently witnessed a marked increase in the number and severity of instances where the defendant's mental health has been a significant factor in the development of the case. This dynamic crops up in cases where individuals suffering from mental illness commit crimes they would likely not have committed if they had been receiving proper care. It shows up in cases where the defendant's ability to assist in his own defense is compromised, often to the point of requiring expensive inpatient rehabilitation. It appears in the form of increased jail costs for such things as additional security, complex inmate management schemes and inflated medical care (both emergency and longer term care). It manifests itself in the form of families at the breaking point trying hopelessly to obtain mental health care for adult, uninsured or uninsurable, family members. Too often the same internal demons that lead individuals to the criminal justice system, make it difficult if not impossible to maintain regular employment or to obtain any reliable insurance. So, their families appear at criminal hearings filled with anguish to support their loved one who they have reluctantly turned over to the criminal system because there is no other system available.

In my experience, it is clear that using the criminal justice system as a substitute for even a minimally functioning mental health system is a dramatically expensive and stunningly ineffective way to treat mental illness. The criminal justice system is not designed to treat

mental illness, but rather to assure minimal competence for those accused of crime. As a prosecutor, my primary function is to protect the community and I cannot abdicate this responsibility and consent turn a person lose merely because it is apparent that the person belongs in the mental health system rather than the county jail. And so, too often I am forced to use a blunt, ill-adapted tool where a where a specialized instrument exists and should be available. A friend once told me that when the only tool in your tool box is a hammer, all of your problems tend to look like nails. Increasingly, we have been treating mental illness as a crime in Arizona because that is the only tool available to us.

While not all defendants with mental health concerns would be covered by an expanded Medicaid program, many would. In addition to whatever infusion of revenue Medicaid expansion would provide, Arizona would likewise experience system wide cost savings resulting from making the mental health system available to those who will otherwise end up in the criminal justice system. As the debate on Medicaid expansion and related issues unfolds in Arizona, I hope that the issues I have raised here will be included in the discussion. Please feel free to contact me if I can be of any assistance in this regard.

Sincerely,

“Signed in Original”

Derek D. Rapier
Greenlee County Attorney

cc: Senator Gail Griffin
Rep. David M. Gowan Sr.
Rep. David W. Stevens