



FACT SHEET #1

Criminal Justice System Involvement of People with Serious Mental Illnesses

OVERVIEW

Large numbers of individuals with mental illnesses are in jail or prison today. While mental health advocates have for many years been distressed about the percentage of people with mental illnesses who are arrested or held in jail or prison, their growing numbers and the severity of their problems have recently raised concern to new levels in criminal justice circles.

Police are frustrated by repeat encounters with people who are causing problems in their communities and are clearly in need of mental health treatment. Officers are annoyed about the time necessary to transport these individuals to mental health facilities, taking them away from other duties—particularly when, as often happens, they see the same person causing the same disruptions only a few days later.

Those who run jails and prisons have also grown increasingly frustrated about strange and sometimes dangerous behaviors in their facilities. They are concerned about the safety both of the individual with a mental illness and about staff and other inmates, and feel a strong sense of outrage that the inmates need help rather than punishment. The financial burden of increased personnel—both for corrections and mental health staff—for suicide watches, and additional overtime is also an issue.

Finally, everyone—law enforcement, corrections officials, families, the community and the individuals themselves—is frustrated about the never-ending cycle as, with needs unmet, people with serious mental illnesses get caught up in a pattern of recidivism.

There is a better way. Many communities across the country are beginning to address this issue through collaborative approaches involving both the criminal justice system and the public mental health system. Unfortunately, most of these initiatives are small, with minimal effects on overall numbers. And in most communities a comprehensive approach has not been taken across the different stages of criminal justice system involvement, such as pre-booking, post-booking, at arraignment or upon release.

Before initiating solutions, communities need to know the answers to several key questions:

- ◆ Who are these individuals with serious mental illnesses and what do they need in order to break out of a cycle of criminal justice involvement?
- ◆ How significant is the problem—what are the numbers?
- ◆ What alternative approaches can be taken, and how well have those alternatives worked in communities where they have been tried?

- ◆ What will all this cost? Are there offsetting costs that help to reduce overall community costs?
- ◆ What is the appropriate role of the mental health system? Do specific services need to be in place to create a different outcome for these people?
- ◆ Will the community be safe if we take a different approach?

This set of fact sheets attempts to answer those questions.

Studies of people with mental illnesses in the criminal justice system reveal some important background facts:

- ◆ The increase in criminal justice involvement by individuals with serious mental illnesses between 1975 and 1985 (commonly attributed, without data, to deinstitutionalization) *mirrors the overall increase in crime and incarceration during this period of time.*¹
- ◆ The success of jail diversion programs depends significantly on the severity of the charge, with those arrested for the most serious crimes most likely to have reductions in average length of incarceration. (Possibly because the more serious the disorder, the greater the impact of furnishing treatment.)²

Alternative and comprehensive approaches to this problem are needed. These should include:

- ◆ improved mental health services for those with the most severe disorders, especially those with co-occurring addiction disorders, to prevent criminal justice contacts;
- ◆ collaboration between local mental health authorities and local law enforcement and corrections;
- ◆ development of mental health programs specifically targeted to people who can be diverted from the criminal justice system and those re-entering society following a period of incarceration;
- ◆ law enforcement diversion for minor offenders;
- ◆ pre- and post-booking diversion options for those who are arrested;
- ◆ court-based diversion arrangements;
- ◆ re-entry programs addressing the need for services, access to benefits, housing, social networks, identification and a job.

1 Mullen, P.E., Burgess, P., Wallace, C., et al (2000). Community care and criminal offending in schizophrenia. *The Lancet*, 355, 614-617.

2 Hoff, R.A., Baranosky, M.V., Buchanan, et al (1999). The effects of a jail diversion program on incarceration: A retrospective cohort study. *Journal of the American Academy of Psychiatry and the Law*, 27(3) 377-386.