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# Senate Passes Legislation Geared Towards Improving Treatment of Mentally Ill Offenders

*Michelle Lammers*

"On any given day, at least 284,000 schizophrenic and manic depressive individuals are incarcerated and 547,800 are on probation. We have unfortunately come to accept incarceration and homelessness as part of life for the most vulnerable population among us," Congressman Ted Strickland (R-Oh) stated as he spoke to the House Subcommittee on Crime, Oversight Hearing on "The Impact of the Mentally Ill on the Criminal Justice System," in September, 2000.<sup>1</sup>

Strickland introduced a bill in June 2003, "The Mentally Ill Offender Treatment and Crime Reduction Act of 2003," which was passed by the Senate in October and currently awaits passage in the House of Representatives.<sup>2</sup> The legislation offers federal grants to encourage collaborations between mental health, criminal justice, juvenile justice, and corrections systems to reduce the number of mentally ill offenders in the criminal justice system and to improve the mental health care received by those who are incarcerated.<sup>3</sup> According to the American Psychological Association, the bill promotes the use of alternatives to prosecution, additional training for both criminal justice system and mental health treatment personnel, "wrap-around" services in such areas as housing and job training, and services to mentally ill criminal offenders easing their release back into the community.

In October 2003 the current state of mentally ill offenders was doc-

umented in a 215-page report released by Human Rights Watch.<sup>4</sup> The report noted the high rate of the incarceration of the mentally ill as a consequence of under funded, disorganized, and fragmented community mental health services in this country. According to the report, state and local governments have shut down mental health hospitals throughout the country, but have failed to provide adequate alternatives. As a result, many mentally ill persons, espe-

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cially those who are poor, homeless, or struggling with substance abuse, cannot receive mental health treatment. Those who commit crimes usually end up in prison with inadequate mental health programs rather than a facility that would actually suit the person's mental needs.

According to Jamie Fellner, director of Human Rights Watch's U.S. Program and co-author of the report, many prisoners may never have ended up behind bars if publicly-funded treatment had been available.<sup>5</sup> In Chicago, mental health advocates say that jails and prisons have become the nation's new psychiatric hospitals, warehousing people whose mental conditions lead them to repeatedly commit the same often minor offenses.<sup>6</sup> The U.S. Justice Department reported in 1999 that about 16 percent of jail and prison inmate have some type of mental illness.

The mentally ill who find themselves in prison suffer from the deficient services and are undertreated or not treated at all. Neglect, mistreatment, and disregard for the well being of these prisoners are rampant throughout the system.

What is to blame for the growing number of mentally ill persons who are incarcerated in the United States? The Human Rights Watch report indicates that it is a consequence of two public policies adopted over the last thirty years. First, elected officials have failed to provide adequate funding, support, and direction for the community mental health systems that were supposed to replace the mental health hospitals shot down as part of the "deinstitutionalization" effort that began in the 1960's. Second, a punitive anti-crime effort, including a national "war on drugs" has expanded the number of persons brought into the

criminal justice system, the number of prison sentences given for nonviolent crimes, and the length of those sentences. Prison and jail populations have risen sharply, quadrupling in thirty years. A large portion of that rising prison population consists of the mentally ill.

Despite the dismal outlook many advocates have towards mental health programs within the criminal justice system, recently a number of local governments have implemented programs targeted towards repeat offenders as they are released from prison.<sup>7</sup> One such program run by a social service agency in Chicago that aids the mentally ill, uses outreach workers to track severely mentally ill inmates released from their medication, stay off the streets, and receive job training or disability payments. The Chicago program reduced jail and hospital stays by more than 80 percent for the first thirty participants, saving the state and county more than \$1 million in a year. The program for inmates released from Cook County Jail, begun in 1997, now has about 70 participants and continues to grow.

Although programs like Chicago's and passage of The Mentally Ill Offender Treatment and Crime Reduction Act are encouraging to advocates of mentally ill prisoners, the system often continues to hurt the population it is meant to serve and, according to one advocate in Florida, "pushes [mentally ill prisoners] out in worse shape than when they came in."<sup>8</sup>

1. Human rights Watch Report, *Ill Equipped: U.S. Prisons and Offenders with Mental Illness*, available at

<http://www.hrw.org/reports/2003/usa1003/3htm> (last visited Jan. 26, 2004)

2. Status of Mentally Ill Offender Treatment and Crime Reduction Act of 2003, available at <http://congress.nw.dc.us/apa/issues/bills/?bill=2558186&size=full> (last visited Jan. 26, 2004)

3. *U.S. Senate Passes Mentally Ill Offender Treatment and Crime Reduction Act*, Nov. 5, 2003, available at [www.hrw.org](http://www.hrw.org) (last visited Jan. 26, 2004)

4. Human Rights Watch Report, *Ill Equipped: U.S. Prisons and Offenders with Mental Illness*, available at

<http://www.hrw.org/reports/2003/usa1003/3htm>

(last visited Jan. 26, 2004)

5. *U.S. Senate Passes Mentally Ill Offender Treatment and Crime Reduction Act*, Nov. 5, 2003, available at [www.hrw.org](http://www.hrw.org) (last visited Jan. 26, 2004)

6. Michael Higgins, *Mentally Ill Find Guidance After Jail; Program Targets Repeat Offenders*, CHI. TRIB., Jan. 6, 2004, at Metro 1.

7. Michael Higgins, *Mentally Ill Find Guidance After Jail; Program Targets Repeat Offenders*, CHI. TRIB., Jan. 6, 2004, at Metro 1.

8. Mark Martin, *Youth Authority: 'Factory for Prisons'; Probes for State Report Violence, Kids Kept in Cages*, S.F. CHRON., Feb. 3, 2004, at A1.