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New Law Seeks to Treat the Mentally Ill, Reduce Crime

By **Suzanne Blaz**

In an attempt to alleviate the problem of the mentally ill filling the nation's prisons, President Bush signed the Mentally Ill Offender Treatment and Crime Reduction Act of 2003, Pub. L. No. 108-414, 118 Stat. 237, into law on October 30, 2004. The law will authorize \$50 million in federal funding in 2005 for grants to states and local communities to develop and support alternative programs to help adult and juvenile non-violent mentally ill offenders before, during, and after incarceration.

Programs receiving grants will be required to work cooperatively with mental health and corrective agencies. Russ Newman, executive director of the American Psychological Association, is optimistic about the effect the law will have in getting help to those that need it. "It will improve collaboration among the criminal justice, juvenile justice, mental health and substance abuse treatment systems," Newman said. "It will ensure that both adult and juvenile non-violent offenders with mental health disorders are identified properly and receive the treatment they need from the point of arrest to re-entry into the community, and are not simply recycled into the system."

The law's passage was aided by studies showing that 16 percent of incarcerated adults and 20 percent of incarcerated juveniles suffer from a mental illness, that 40 percent of mentally ill adults and more than 150,000 juveniles with a mental or emotional disorder come into contact with the criminal justice system, and that a majority of these mentally ill individuals are responsive to treatment and rehabilitative services. The legislation reflects the opinion that incarceration of the mentally ill alone does not work and simply promulgates a revolving door process.

The Human Rights Watch organization says that prisons are dangerous and damaging places for the mentally ill, who are often victimized and exploited by other prisoners and who grow worse due to a lack of psychiatric care or

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Sen. Mike DeWine (R-Ohio)

abuse by prison guards who do not always understand how to handle the mentally ill.

The new legislation will provide money for programs that provide treatment to the mentally ill who come into contact with the criminal justice system, as well as programs that deal with reintegration of the mentally ill into society. It is believed that these prevention programs will decrease the numbers of mentally ill individuals in jail.

Under the bill, applicants can submit applications to the U.S. Attorney General for either planning grants or implementation grants. The planning grant is a 1-year grant up to a maximum of \$75,000. The implementation grant is a 5-year grant and can be used for mental health courts and diversion/alternate prosecution and sentencing programs, specialized training such as crisis intervention training for criminal justice system personnel or mental health system personnel, and service delivery, in-jail, and transitional services. Because the program has only been in place since January 1, 2005, awardees have not yet been

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announced.

Sen. Mike DeWine and Rep. Ted Strickland, both of Ohio, sponsored the newly signed legislation. "As a former prosecutor, I have seen the cycle of non-violent, mentally ill offenders who are arrested and put in jail repeatedly," DeWine said. "This bill offers hope to those people by creating a chance for them to receive the treatment they need to break the cycle of arrest, release, and re-arrest. I look forward to this bill becoming law so that this unique approach can treat the mentally ill and reduce crime."

Some critics of the legislation believe that the Government should have authorized at least

twice what it did, since \$50 million is simply not enough to supply the national need for these programs. The proposed 2006 budget does not include any money for the program.

Laurel Stine, director of federal regulations with the Bazelon Center for Mental Health Law, said that her organization applauds the bill, but that it is not a "silver bullet." The legislation provides services once the mentally ill individuals come into contact with the criminal justice system, but Stine said that she would like to see more money devoted to providing individuals with access to free mental health services before they ever come into contact with the police.

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Did you Know?

As of 2003, the US has the highest prison population rate in the world, some 686 per 100,000 of the national population, followed by Cayman Islands with 664 per 100,000, and Russia, 638.

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Among the 2 million people who are currently imprisoned, more than 70 percent are people of color. Black men are 5 percent of the total U.S. population, but they comprise half of the prison inmate population.