

Chapter 1 : Crime, Punishment, and Mental Illness (ebook) by Patricia Erickson |

Criminalizing mental illness worsens the health of hundreds of thousands of people and complicates their recovery by creating additional barriers to housing and employment. It burdens law enforcement and correctional systems.

A Survey of the States, compared the number of seriously mentally ill in prisons to those in hospitals on a state by state basis. The survey also found that at about percent of inmates in jails and prisons have a serious mental illness. In the seriously mentally ill accounted for only 6. The survey also found that 4 in 10 individuals with serious mental illness have spent some time in jail or prison. The alarming number of seriously mentally ill in prison is the result of a cultural shift that has its origins in the s. The idea of deinstitutionalizing the mentally ill had wide support. The expanded use of psychotropic medication encouraged policymakers to shift from institutionalization to community treatment. However, the psychiatric hospitals were prematurely dismantled and community treatment underfunded. Has the incarceration of the seriously mentally ill had an impact on prison crowding? The Pew Center report found a nationwide decrease in prison population for However, 24 states had some increase in prison population. Below are the nine worst states when it comes to prison to hospital ratio for seriously mentally ill. In fact, none of the states with the largest increase in prison population Indiana, West Virginia, Vermont, Pennsylvania are in the top 10 of the mental illness ratio. There does not appear to be a correlation between increasing prison population and incarcerating the seriously mentally ill. However, there is a connection between incarcerating the seriously mentally ill and cost savings. In these difficult economic times states can save on the bricks and mortar of psychiatric hospitals, the cost of staffing those institutions and the expenditures for meaningful treatment. In there was one psychiatric hospital bed for every Americans. Today, there is one bed for every 3, Americans. The numbers are reminiscent of the 19th century. The criminalization of mental illness is an American disgrace. Locking up the seriously mentally ill does nothing more than pump-up law enforcement statistics, prey on the homeless and eradicate neighborhood nuisances. Not everyone is taking the incarceration of the seriously mentally ill sitting down.

Chapter 2 : Do Mental Illness Diagnoses Matter? We're All Different. | HealthyPlace

The Criminalization of People With Mental Illness in America: A Matter of Human Rights. The Criminalization of People With Mental Illness in America: A Matter of Human Rights.

Judge - pioneer 1st mental health court in the U. Contributors control their own work and posted freely to our site. If you need to flag this entry as abusive, send us an email. The criminalization of people with mental illness remains one of the most significant human rights and criminal justice challenges in America. On August 24th, , Washington D. According to organizers, The March for Dignity represents the first step in building a national movement for change and public engagement around mental health in America. As noted in news releases, this event is not related to any pending legislation or organization. Described as what will be a historic moment for people with mental health conditions, this march is an inaugural call to action and rallying cry for mental health consumers, families, civil rights leaders and advocates to demand dignity and an end to broad based discrimination, which includes criminal justice reform. When Broward County launched its Mental Health Court in , I hoped our court would be successful and drive the decriminalization of people arrested for low-level offenses with mental health and substance abuse conditions. The relevant lesson learned is that dignity is its own force. Dignity dispels fear and levels the playing field. Ultimately the promotion of dignity and respect becomes a reflection of fairness, the integrity of legal process, and the protection of civil and human rights. In my view, rejecting stigma in favor of equality and human dignity is the essence of social justice. I have written extensively about therapeutic justice and the urgent need to find solutions to the criminalization of people with mental illness from a recovery and dignity perspective. As the policy debate on how best to reform criminal justice and reduce mass incarceration, it is imperative that matters pertaining to mental health needs and disability rights become a substantive part of the criminal justice reform debate. This includes economic benefits, housing, community case management, and access to treatment and supportive services. That transformation has yet to be fulfilled. America needs voices to carry that vision of dignity and recovery to our national leaders and state and local policymakers. In truth, it has always been the consumer and citizen voices which drive social justice and cultural change. I hope you will lend your support to the March for Dignity and Change for Mental Health and become a voice for justice.

Chapter 3 : Table of contents for Crime, punishment, and mental illness

Mental Illness Policy Org is a (c)3 not-for-profit corporation founded in February We work to improve the policies that guide treatment of the seriously mentally ill. In order to maintain independence and speak truth to power MIPO does not accept any donations from companies in the health care industry or government.

Afterwards, he drew a picture of his family having a happy reunion in heaven. Through the rest of his childhood, the boy would be in and out of psychiatric institutions and group homes. Carole Hall says he was molested in two of them, but never effectively treated for what would eventually be diagnosed as a panoply of mental illnesses, including bipolar disorder. Adam Hall ended up in prison for a relatively minor felony, then in solitary confinement. Before long, he would have years added to his sentence for offenses committed in prison—offenses once again stemming from his mental illness. If the pattern continues, he could end up spending decades behind bars. By the time he was 22, in , he had been convicted of assault after stealing a car and resisting arrest. According to correspondence with Adam Hall and interviews with his mother, he bounced around the prison system for a while. And like many people with mental illness, he quickly got in trouble for breaking prison rules and was disciplined by being placed in lockdown. The RMHU is considered an alternative to long-term solitary confinement for difficult to control prisoners with mental illness. In these units, inmates are locked down for much of the day, but receive they a greater measure of out-of-cell time and mental health treatment. And considering the alternatives, it was probably the best placement available to Adam Hall within the prison system. But Adam Hall remained unstable and suicidal, and in he attempted to kill himself the same way he had when he was five: Facing up to 25 years, Hall let his public defender enter a guilty plea to third-degree arson, and was sentenced to three to six additional years in prison. Because of his debts to the prison, his mother says, any money sent to him to buy food and sundries from the canteen is requisitioned by the state. Adam says he has to sell his prison food to get enough to buy postage stamps. The law is designed to protect and help mentally ill inmates who face prison disciplinary proceedings. But it leaves prison officials the option to deal with behavior problems as crimes rather than as mental health issues, and ship them out to the local DA. Some laws, in fact, appear to have been passed for this express purpose. It is now a felony in New York, for example, to throw feces at a prison officer—and offense that is committed almost exclusively by mentally ill inmates in the SHU, as well as those driven mad by solitary. That they would refer for outside prosecution a case that does not even warrant internal discipline is quite troubling. However, I know of no law that applies. Those regulations are pretty much going to be in effect for anyone who is in an RMHU—meaning that for all disciplinary hearings arising out of incidents in an RMHU, it is likely that the regulations require mental health testimony at the hearing and consideration of mental illness in the disposition. What purpose does the criminal case serve if these are the facts? They tended to rack up small felony charges, one after the other, so that they effectively served a life sentence, shut away out of sight in some form of solitary confinement. In a letter written on April 9, , Hall said: I feel like killing myself most of the time like I said but end up cutting myself to relieve the pain or just do things that help me relieve pain. Hall wrote both his mother and us that he was making deeper cuts in his arms, cutting into the muscle, building up to a final suicide slitting. On the advice of Prisoner Legal Services, Carole Hall phoned the head of the mental health unit at Attica and told him about the threats. He told Hall he knew nothing about the case but assured her he would look into it.

Chapter 4 : Table of Contents: Crime, punishment, and mental illness :

If they can't afford their medicine, it really doesn't matter what mental illness they have. In the state of Florida, you can't make more than \$ a month for a family of 4 in order to get medicaid.

Reply PrisonPath April 13, at 2: Most innocent people do not return to prison, because they are innocent. However, when you have a mentally ill person who is innocent, then you have a legal and moral calamity. The truth is, at least in the federal prison system, there is no mental health treatment. As a lawyer, this is appalling. This affects the innocent and guilty and those in the middle. It is a sad reality that people are looking to fix the wrong problem. I know we are talking about criminal court here, however; I can tell you that the silence of mental illness in family court is ignored everyday, Mother, father and sometimes child. I am not an attorney, however; I did play one for 4 years, successfully, my own custody nightmare and from what I learned is that judges do not want to hear about mental illnesses. I kind of understand it though because it is not an excuse. There are many people with severe mental illnesses that do not commit crimes. The irony is that most of the people that have mental illnesses who live good lives, usually get the medicine they need. People in general have abused it so much and ruined it for those that are telling the truth. It is provable meds if they conducted a test. I did my masters in criminal justice and I mentioned it to my professors many times. He said it was a fantastic idea that no one has ever really thought of, however; the testing for that would be far too extensive and expensive for them to conduct it. The mother is usually blamed for the unknown abuse by a male friend or husband. The system is slanted, but usually in the direction of bias against the mentally ill in criminal and civil cases. Meds are only part of the equation - it lacks overall treatment. I appreciate your comments and they are well taken. By Walter PrisonPath April 16, at 2: Major changes in drug laws and how we divert folks to treatment need to take place. However, there is another issue of better joining mental health providers with substance abuse providers. There has been much better development in bringing these two fields together, however, there is still a ways to go. Many providers have limited training on both subjects. All three systems coming together is the ultimate solution. Judicial, substance abuse and mental illness. As a substance abuse clinician working in a county jail, I see the need first hand. I can also say from first hand experience things have evolved. I spent 6 years incarcerated myself in my late teens earlier twenties. Things have certainly progressed in regards to resources and re-entry and diversion programs. I'm on board with doing my part to continue to advocate counsel and support this cause. At least he is still breathing and walking around. Unlike the lives he has ruined. If they needed somewhere to retreat too, oh well. Do you see what I mean though? Like Reply privately Flag as inappropriate 1 day ago. By Laura Shaukat April 18, at 1: These individuals are often incarcerated with misdemeanor charges but sometimes with felony charges as a result of behaviors caused by their psychotic thinking. People with untreated psychiatric illnesses spend twice as much time in jail as non-ill individuals and are more likely to commit suicide. PrisonPath April 22, at Of course they are. Now the same like-minded people who deinstitutionalized mental health care want to do the same for prisons. They use guilt as their weapon of choice to suggest that incarceration is terrible. LWOP has been touted as the best alternative to the death penalty by the same group that now wants to abolish it. Deinstitutionalization is not the solution to anything. That should be clear to all of us by now. The vast majority of mass shootings in our country involve mentally ill people who exhibited warning signs long before the incident but could not be committed until they actually killed someone. I guess we would call that progress. Reply PrisonPath April 22, at More than two thirds of our corrections population is under community supervision rather than locked up. So in our country when we talk about alternatives to incarceration we should understand that incarceration IS an alternative sentence. Think about the Law Officer on the street and the very few options that they have in dealing with the mentally ill on the street. 1. Danger to Self; 2. Danger to others, or 3. Is Gravely Disabled, the criminal path is the only other option. If someone commits a crime and is detained at a psychiatric facility, they may be back on the street before the officer. There is no consequence to bad behavior and the cycle continues. There is definitely a need to house and track individuals through the criminal justice system in order to keep them in treatment. If treatment is only voluntary, you cannot expect a severely mentally ill

individual to make a rational decision to remain in treatment. Although over 10 years old, the optional legislation was enacted by only 2 counties up to. Since then, several other counties joined in to get severely mentally ill into treatment BEFORE the crime is committed. The answer is somewhere in between. More funding needs to go to residential programs and treatment and there needs to be locked facilities where individuals need to remain under court supervision, and sometimes that means keeping them away from the general public. By Jim PrisonPath April 22, at This is where the justice system can do the greatest good by collaborating with treatment providers. Good strides are being made in the court system through community courts and mental health courts. Mental illness does not absolve offenders from responsibility for a criminal act. I am sorry if I am preaching here to the converted, but we should also discuss severity. Then when you examine what they did, the answer is not so clear. I just wish more folks would equate the offense to the offender's. Like 1 Reply privately Flag as inappropriate 8 days ago. By Michael PrisonPath April 22, at It then requires reforms of the reform of the last reform. A correctional system that was invented by a group of religious zealots to change drunks and other social misfits through penance needs to be transformed to meet the challenges of the twenty-first century. That last thing it needs is more reform to keep it true to the mission foisted upon it in the nineteenth century. The most challenging change was the rampant closing of inpatient facilities for the mentally ill leaving the problem in the local community. These closings created struggles for corrections as they have been with either no change or even reduced staffing and budgets to handle the new demands. The added training for correctional staff as well as the need for mental health staff along with the costs of psychotropic medication is overwhelming local, state and federal corrections. I do not believe mental illness is an excuse for criminal behavior, but the current situation is that corrections has become the new inpatient facility which it is neither equipped nor staffed to handle in many situations. By Stephen PrisonPath April 22, at Even better news is that these changes have occurred primarily from within the system rather than forced upon it through outside forces such as legislation and court orders. The system is becoming more community focused. The advent of community policing has spawned community prosecution, community courts, and community probation and parole. You could call it the prisons and jails version of community policing. Corrections normally does not implement change from within but only when compelled to from outside of their area of control. Transformational changes occurring in the justice system as a larger entity, including the court system, have been influenced by outside sources but have also been slow because of political agendas. Changes that have occurred have normally been positive but slow to happen. Corrections, like law enforcement, is slow to react and typically bogged down by internal bureaucracy and local fiscal restraints. Corrections is usually seen as being at the bottom of the barrel when it comes to local and state budget development and typically the top of the list when it comes to stalemate or cuts to staffing and budget. I doubt this is community focused. This model has now spread throughout the correctional system. Direct supervision borrows heavily from the principles of Crime Prevention Through Environmental Design. This came about because of forward thinking leadership within the BOP rather than because of legislation or court orders. Experts have long predicted that our overcrowded prisons would soon erupt into violence in a rash of disturbances. In fact, just the opposite has happened. Prisons have become much more peaceful in the past 30 years. Better staff training and inmate classification systems have dramatically decreased prison homicides. Between and the state prison homicide rate dropped from. These have made Attica type uprisings virtually a thing of the past.

Chapter 5 : Criminalizing Mental Illness: The Story of Adam Hall | Solitary Watch

criminalizing mental illness Then it's a matter of having the resources to clean up the data and identify the same individuals in separate datasets.

No one is a diagnosis. Those words represent diagnoses that exist along a spectrum. Basically you have symptoms and diagnoses that exist along multiple axes. Then, depending on where the dots cluster, you essentially have a Venn diagram of diagnoses. But humans are complicated creatures. I like chocolate ice cream, you like vanilla. Humans are a heterogeneous bunch. Why then, if we understand this, do we have names in the first place? In short, yes, it is. And yes, we need those labels, even if they are ill-fitting. But size 10 is different to every designer. Some lines have a tiny size 10 while others have a large size. But every label says size. And women generally know to bring two or three dress sizes into the change room. Women will say they are a size 10 even though sizes 8 and 12 exist in their closet. I would suggest no. Removing the label would simply remove our ability to talk to each other. There is no 38 and 29 and 40 in your brain. People need a way of talking to each other. I have a mental illness. Clusters of symptoms represent diseases. Always have and always will. The treatment is still going to be trial and error anyway. True, it may turn out to be wrong. You, personally, may not identify with one diagnosis or another. None of that changes who you are, but it still matters. We need to be able to talk to each other and we need to be able to do research and evaluate treatments.

Chapter 6 : Criminalizing Mental Illness | Here to Help

Lack of timely access to mental health assessment and treatment. Easy access is necessary for early intervention and prevention of deterioration, and also to provide law enforcement, courts, corrections, and communities the ability to access appropriate treatment for individuals in a timely way.

The problems[edit] There has been some uncertainty as to the nature and extent of the contribution to be made by the victims of crime. But, as Garkawe indicates, the relationship between victimology and criminology has become problematic. The concern is that, within the dialectic of Right Realism and Left Realism , [2] a focus on the victim promotes rights selectively for certain victims, and advocates the assumption that some victim rights are more important than competing rights or values in society. In formal academically published theory, the real ruling class of a society reaches a temporary view on whether certain acts or behavior are harmful or criminal. Historically this one theory will be modified by scientific, medical evidence, by political change, and the criminal justice system may or may not treat those matters as crimes. Conversely, when local politics determines that it is no longer a crime, they may be decriminalized. For example, Recommendation No. R 95 12 adopted by the Committee of Ministers of the Council of Europe on the management of criminal justice, advocates that crime policies such as decriminalization, depenalisation or diversion, and mediation should be adopted wherever possible. But the law and order debate between right and left politicians is often superficial and unscientific, formulating policies based on their appeal to an unformed electorate rather than properly conducted research. These include the de minimis principle, that of the minimum criminalization. Those other sanctions include civil courts, laws of tort and regulation. Having criminal remedies in place is seen as a "last resort" since such actions often infringe personal liberties "incarceration , for example, prevents the freedom of movement. In this sense, law making that places a greater emphasis on human rights. Most crimes of direct actions murder , rape , assault , for example are generally not affected by such a stance, but it does require greater justification in less clear cases. It argues that criminalization is used against "any form of activity which threatens good order or is thought reprehensible". The minimization principle may unwittingly prevent the adaptation of the law to new situations. Victimless crimes Leading criminal law philosophers, such as Dennis Baker and Joel Feinberg have argued that conduct should only be criminalized when it is fair to do so. The commonly cited objective justification for invoking the criminal law is harm to others, but it cannot deal with all situations. For example, people are not necessarily harmed by public nudity. Feinberg suggests that offence to others also provides an objective reason for invoking the criminal law, but it clearly does not as offence is determined according to conventional morality. Prostitution is another grey area, as some countries allow it in different forms, and it is hard to say whether or not it specifically harms the public in general. However, the legalization of prostitution would change the way it is regulated, and law enforcement could find a way to prevent the spread of sexually transmitted disease, thus eliminating the health issue and the question of the morality of the profession would be weakened. People experience a range of physical and social injuries in different contexts which will vary according to the level of economic and political development of their country. Some will be injured out of poverty and malnutrition , others by violence which might stem from a major conflict such as war or from the personal violence in a robbery. The environment may be damaged by pollution , there may be hazards at work. Many of these sources of injury will be ignored while the state may delegate powers of control to a number of different agencies within an international framework where supranational agencies and human rights organisations may offer assistance in responding to the causes of those injuries. Moral approaches and autonomy[edit] The extent to which behaviours considered morally wrong in a given jurisdiction should be criminalized is controversial. Patrick Devlin believed that moral behaviour was essential in maintaining the cohesion of a state, and so lawmakers should be entitled to criminalise immoral behaviour. As well as prejudice, views were likely to vary widely on issues such as homosexuality , contraception and other matters, particularly those influenced by religion. Agreement would be hard to find. The European Convention of Human Rights , in the most part supporting individual rights from government interferences, still includes a

provision for interference "for the protection of health and morals" [10] [11] such as legally requiring seat belts to be worn in some jurisdictions are hard to justify if an individualistic approach is taken, since, if public health provision is ignored, little harm is caused to others. Certain moral ideals may be justifiable if they extend autonomy. Such criminalization is rarely challenged. Some acts would effectively become legal within private settings, but illegal in public settings. Such a line was favoured by Joel Feinberg, who argued that it was a good reason in support of legislation if it effectively prevented "serious offence" to persons other than the actor. Since such acts publicly are made illegal on the basis of shock, then whether to criminalise depends on a shifting body of public opinion, which varies from place to place and from time to time. The concept of "insult" rather than "offensive" may be more specific. Omission criminal law Common law does not often find an actor liable for omission "failing to do something required by the law. Where this has applied it has typically been in industrial regulation, in matters of social security or some personal regulated activity such as driving for example, in the case of a hit and run. There are few general duties in common law jurisdictions, although these do include the responsibility of a parent to safeguard their children, to a landowner to prevent offences being carried out there, and to someone creating a dangerous situation to attempt to limit that danger. This would give prosecutors wide discretion, which may be opposed to justice. Life and physical integrity are often the highest priorities of a legal system. A non-burdensome rescue is likely to be less valuable than freedom of action. Whilst open to the criticisms of vagueness and prosecutor discretion, it has not been seen as overly oppressive. There is no ontological reality to crime. The criminal justice system responds to a substantial number of events that do not produce significant hardship to individual citizens. Moreover, events which do cause serious injuries and perhaps should be dealt with as crimes, e. The criminalization process defines and classifies behaviour. It broadcasts the laws so that no-one may have the excuse of ignorance, and disposes of those who will not obey. There are now more criminal laws and they are penetrating deeper into the social structures of modern societies. Crime control has become an industry, yet it remains ineffective in providing protection to all its citizens from harm. Such as it is, the process is made up of three components: Creation of a social order. This is both a socio-economic process, a " Thus, society must develop the apparatus of law creation, law enforcement and punishment and the system must be acceptable to the majority of those who live in the community. If the laws do not match the general mores, their enforcement will be a source of friction and disharmony. Conformity to the social order must, for the most part, be self-enforced. For the times when self-enforcement fails, society must create a legal order. This part of the process sees the centralisation of power within the institutions of the political state. Some states justified the criminalization process as demonstrating their concerns about safety and security, the policy of control, policing, criminal justice, and penal practice. The modern state is decentralising and privatising its functions. This is changing the character and content of the remaining institutions of the state which must now work co-operatively with other for-profit agencies. The political order must realign so that the remaining political entities such as legislatures and judges set agreed targets for state control and then produce actual outputs of the legal order, i. Ontological basis of crime[edit] Put in the most simple terms, ontology deals with or establishes the clear grounds for being. In some of the traditional schools, such as those of the post English or Americans many of the writings of the American Founding Fathers, but especially The Federalist and their Dutch predecessors see Kossmann, E. However, some classical theorists, such as Aristotle, in his Politics and Metaphysics, and to a lesser degree in his Topics,[citation needed] suggest that the distinction is at least problematic. One need consider no further than the claim that man is a political animal to see this is so. As a political animal, man has come to see himself as possessed of rights, [23] whether these are the Rights of Englishmen of old, or the universal human rights advocated vigorously toward establishment today through the matrix of commercialism. Gonzales, and injury"so goes the prevailing theory"amounts, when coupled with requisite intent, in most cases, to crime, when it does not admit of civil redress. Thus, again in simple terms, and to the extent that human beings are indeed political beings, crime does seem to have an ontological basis. For one approach to the question of criminal ontology, see "Understanding Crime and Social Control in Market Economies: This, further, seems to hold if ontology itself is divided into political and trans- or supra- or meta- political ontology"i. Of course, it does not matter whether that theology is Christian or belonging to some other apolitical belief. The point is

that one may, with some justice, argue persuasively that being is divided. This need not, however, force the question of meta-political crimes. Our purposes here, in this article, are limited to the political. For the question in general see Ontology. Baker argues that only objective harms and other objective bad consequences or actions in the case of inchoate and endangerment offenses are prima facie criminalizable. By other bad consequences Baker means privacy violations and conduct that does not necessarily result in tangible harm, but does result in unwanted consequences. Baker argues that the privacy violations that result from being forced to receive unwanted obscene information in public places exhibitionism would amount to a sufficient bad consequence for the purposes of invoking the criminal law, but argues that proportionate punishment means that such conduct should only be punished with fines rather than jail terms.

Chapter 7 : Nashville grand jury: Society must stop criminalizing mental illness Â« Mental Health Cooperat

Credentials or status do not matter, and no one can be protected from a criminal justice system that is ill-prepared and overburdened to address cases that involve mental illness. NAMI is grateful to U.S. Representative Bill McCollum (R-FL) for holding the first Congressional hearing on the criminalization of mental illness.

Chapter 8 : Matt Mangino: Criminalizing Mental Illness

This entry was posted in News and tagged Mental Illness, Mental Illness, New York, New York State Prisons, Prison Health Care, Psychological Effects, Solitary Confinement, Suicide, Suicide. Bookmark the permalink.

Chapter 9 : Criminalization - Wikipedia

In lieu of an abstract, here is a brief excerpt of the content. Chapter 7 Criminalizing Mental Illness Does It Matter? I truly regret that this had to happen, [e]verybody trying to do the right thing and going through all the right steps and coming out with the wrong result.