REVERSING REALITY: UNDERSTANDING MENTAL ILLNESS TO AVERT

INCARCERATION AND ADVOCATE TREATMENT

by

Madison LeeAnn Haynes

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Thesis Supervisor:

Toni Watt

ABSTRACT

This podcast explores mental health courts' potential as an alternative for the incarceration of the mentally ill. By examining this alternative's efficacy, I enforce the general understanding that the concept of prison was not created to be a mental health care facility; they are forced to and are doing a poor job. My research aims to understand the causes of severe mental illness and explore how its intersection with race, ethnicity, and environment leads to the incarceration of those with mental illness. This research draws upon interviews with key informants, including representatives from the criminal justice and mental health systems, to address these questions. The representatives share their knowledge and perspectives on mental illness, incarceration, how the criminal justice system is currently handling severe mental illness, and mental health courts' efficacy as a potential solution to the problem.

I.   LITERATURE REVIEW

Today, the U.S faces the issue of mass incarceration. Per Guhn et al., many of the people affected are minorities from low socioeconomic status and adverse backgrounds [1]. Now, imagine having a mental illness to accompany those already tricky days. Having a mental illness is the reality faced by millions of people in the United States. According to the National Alliance on Mental Illness, one in every five adults has a mental illness, and 17% of youth experience a mental health disorder. Having a mental illness comes with its own burdens, and the current criminal justice system does very little to acknowledge that. The lack of knowledge, resources and treatment are all factors that lead to people becoming another statistic in the criminal justice system.

Role of Environment

There has been an increasing interest in studying the association between problems in neighborhood environments and health indicators in recent years. The development of a person's mental health starts at birth. However, Guhn et al. state that "one's environment and socioeconomic status before birth serve as indicators of early emotional development and mental health in childhood" [1]. Such problems are correlated with the prevalence of common mental disorders later in life: depression and anxiety. Children that live in more affluent areas are not often faced with outside noise, noxious odors from dumping, low-quality drinking water, little street cleaning, increased air contamination, and a lack of green areas [1] [2]. The environmental problems examined can be closely associated with issues that those in the lower social classes face.

Other aspects that must be considered when examining a person's environment are social behaviors and norms. African American minorities have a unique experience

growing up, and even throughout adulthood; Mental health often gets pushed to the back burner. Additionally, cultural beliefs and social stigma serve as factors that are unique to minorities and that have a significant impact on their mental health. For African Americans, historical adversity such as slavery and numerous forms of race-based exclusion from health, educational, social, and economic resources, which now translate socioeconomic disparities indirectly lead to a higher risk of poor mental health [3]. Of the African American population in the U.S., over 16% reported having a diagnosable mental illness, which, according to *Mental Health America*, is almost 7 million people, so it is worth investigating how the culture is different [3].

Mental Health in Prisons

According to the article *Mental Health Courts: Bridging Two Worlds*, of the 4.9 million people arrested and incarcerated each year, 20% of those people have a mental illness [4]. Many are imprisoned for different reasons and have various mental health disorders, ethnicities, and ages; however, they all have one thing in common: pawns in the criminal justice system. This common thread is what ties mental health to the criminal justice system, presenting the gift of inequity. Over one million people with mental illnesses are arrested and incarcerated each year, one-third of the general prison population. People with severe mental disorders make up 4.2% of the general U.S population, and of that, almost "75% have co-occurring disorders" [5]. So once incarcerated, they stay longer and have higher rates of recidivism [5].

Even though prisons are the largest mental health provider, the majority "are ill-equipped to respond appropriately to the needs of prisoners with mental illness" [6]. Prison mental health services are frequently "deficient in understaffing, [have] insufficient

facilities, and limited programs. Many seriously ill prisoners receive little or no meaningful treatment" [6]. In addition to not receiving adequate treatment, mentally ill inmates in prisons and jails across the United States are "subjected to routine physical abuse by guards, including being doused with chemical sprays, shocked with electronic stun guns and strapped for hours to chairs or beds," according to a report by Human Rights Watch [4][6]. For so many, this is a horrible reality that is faced every day. If not, to that extent, they are given citations that can lead to extended time or placed in solitary confinement, further exacerbating the problem.

Prison has lasting effects on people's lives, and when released many attests that they will never be the same. Having the "triple identity of being formerly incarcerated, a person of color, and diagnosed with a serious mental disorder, would likely make navigating a community a complex and difficult undertaking" [7]. With the current criminal justice system when a person is released from prison, they are often traumatized from experience, likely to have more significant mental issues, and dealing with the stigma of their identity, still, without treatment and resources. All this further increases the chance of them going back into the cycle [5]. It is essential to understand the reality of this experience to expose the darkness of the criminal justice system towards the mentally ill.

Understanding that order is essential to a functioning society, balance is necessary in maintaining order and getting the mentally ill the help they need. Mental health courts are relatively new and are slowly becoming an option for finding and maintaining that balance. Lack of order will cause chaos in a society, yet not understanding the root of the issues will lead to temporary remedies. Putting the mentally ill in the current U.S. prison system is a

quick remedy that is detrimental to already compromised mental health that continues to endorse such a vicious cycle.

Mental Health Courts

Mental health courts (MHCs) could stop the cycle or at least serve as one way to find a healthy balance. A mental health court is a specialized problem-solving court focused on treatment and diverting mentally ill offenders from the criminal justice system [4]. Clients of MHCs could have several outcomes. They may not be prosecuted altogether, they could be indicted on criminal charges but forgo sentencing, or they could receive an alternative favorable sentence for participating and completing the mental health court program [8]. The mentally ill need treatment, not punishment, and the point of MHCs are to have court-mandated, community-based treatment programs. Okunrounmu et al. explain that MHCs were developed to address many individuals with mental illnesses who encounter the criminal justice system [8]. The end goal of MHCs is to "reduce recidivism and decrease the amount of contact that mentally ill individuals have with the criminal justice system by linking them to treatment and services to improve their social functioning" [9].

The first mental health court was established in Broward County, Florida, in 1997 to serve as a bridge between criminal justice and mental health. The court was based on the principle of "therapeutic jurisprudence," meaning that judges would use their authority to benefit the accused and society [4]. It looked at what the law does, the law in action, and how systems function and affect people. Originally, MHCs were planned as a non-violent felony court for adults. Violent felons were going to be excluded because "public safety concerns and misdemeanors were not included for fear of criminalizing mental illness" [4]. However, over time referrals for help with violent crimes began to arise, challenging the

court in its efforts to protect public safety while fulfilling its promise of removing persons who have mental illness from the criminal justice system. Today, many vary by jurisdiction, but most share numerous characteristics.

While under the supervision of the court, the team wants to do all they can to help the person succeed. However, the person must be committed to the treatment and other factors of their agreement. If continuous violations occur, the court will add sanctions, or the mental health court participants can be terminated, which results in a conviction on the charges for which they entered the court and a fine, or incarceration in jail or prison [10]. Mental health court participants who complete supervision and adhere to the guidelines have their criminal charges dropped entirely [8]. Studies show defendants who completed a mental health court were significantly less likely to be re-arrested and went longer before re-offending than those who did not [10]. These individuals are evidence that MHCs can reduce criminal recidivism among offenders with mental illness. The effects are sustained for several years after defendants are no longer under the court's supervision [4][10]. Hopefully, MHCs will pave the way toward both disciplines working together and aiding a criminally accused person who has mental illness through such a painful and crucial point in life.

III.   PODCAST LINK

Reversing Reality Podcast on YouTube.

https://youtube.com/playlist?list=PLh7nAojbgBTFIgOCkGVMm-kX3Cmu6s8sI

Episode 1: The Intro

This episode opens with an introduction of the topic and host. Following the introduction statistics are presented that represent the reality of mental illness in the United States criminal justice system.

Episode 2: The Facts

Dr. Toni Watt sets the stage and provides an understanding of what mental illness is, the causes, treatment options, and resources for those who need help and want to know how to help others.

Episode 3: Proceedings

Hays County Criminal District Attorney Wes Mau discusses the process of going through a specialty court, the differences between sanity and competency and how the lack of resources negatively impacts those with mental illness.

Episode 4: Behind the Bench

Judge Becerra discusses the role of society and the effect of current systems. He also elaborates on how documentation differs from reality and his plan to create mental health care facility for Hays County.

Episode 5: Mental Health Resources

Information to locate treatment and support and additional resources for dealing with on mental health and substance abuse.

Episode 6: The Reality

Learning about the reality those with mental illness face when they encounter the criminal justice system, begs for a change. Mental health courts they have proven

themselves each time, but piece to the puzzle. More resources are needed to create

effectively change and reverse reality.

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III.   REFRENCES

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