

People with Mental Illness in the Criminal Justice System: About the Problem

Overrepresentation of People with Mental Illness in the Criminal Justice System

Today, there are approximately 2 million people incarcerated in US prisons or jails;¹ approximately 10 million people are booked into US jails over the course of the year.²

Approximately five percent of the US population has a serious mental illness.³ The US Department of Justice reports, however, that about 16 percent of the population in prison or jail has a mental illness.⁴

A study in New York State found that men involved in the public mental health system over a five-year period were four times as likely to be incarcerated as men in the general population; women were six times as likely.⁵

The Los Angeles County Jail, the Cook County Jail (Chicago) and Riker's Island (New York City) each hold more people with mental illness on any given day than any psychiatric facility in the United States.⁶

Nearly three-quarters of inmates with mental illness have a co-occurring substance abuse problem.⁷

Inmates with mental illness in state prison were 2.5 times as likely to have been homeless in the year preceding their arrest than inmates without a mental illness.⁸

Nearly half the inmates in prison with a mental illness were incarcerated for committing a nonviolent crime.⁹

Cost of The Problem

The Pennsylvania Department of Corrections estimates that a person with serious mental illness costs \$140 per day to incarcerate, as opposed to \$80 per day for an average inmate.¹⁰

The Miami-Dade Department of Corrections spends almost \$4 million annually on overtime to manage inmates with mental illness.¹¹

Officials in King County, Washington, identified 20 people who had been repeatedly hospitalized, jailed or admitted to detoxification centers; in the course of one year, providing these emergency services to these 20 individuals cost the county at least \$1.1 million.¹²

Length of Incarceration for Individuals with Mental Illness

A study of the Fairfax County, Virginia, Jail found that pretrial male detainees charged with misdemeanors and identified as psychotic stayed in jail 6.5 times as long as average jail inmates.¹³

In 2000 in Pennsylvania, 16 percent of all releasees served their maximum sentence. Inmates with mental illness were twice as likely as other inmates to serve their maximum sentence; inmates with a serious mental illness were three times as likely to "max out."¹⁴

Innovative Programs' Impact on Costs and Public Safety

Staff from the Thresholds Jail Program, which provides case management for people with mental illness released from jail in Cook County Illinois, calculated the number of days that 30 people who had been through the program were incarcerated and/or hospitalized in the year after their participation in the program. In total, the 30 individuals spent approximately 2,200 days less in jail (at \$70/day) than they had during the year preceding their participation in Thresholds. These same 30 people also spent about 2,100 fewer days (at \$500/day) in hospitals.¹⁵

Using Law Enforcement Resources More Efficiently

Shortly after the Memphis Crisis Intervention Team (CIT) was implemented, injuries suffered by individuals with mental illnesses caused by police decreased by nearly 40 percent.¹⁶

In 1999, the Albuquerque Police Department, which also employs a CIT model, reported that officers arrested, transported to jail, or otherwise took into protective custody fewer than 10 percent of those people with mental illnesses they contacted. Injuries were also reduced to just more than 1 percent of calls after their CIT model was implemented. The decrease in use of SWAT was reported at 58 percent.¹⁷

Violence, Mental Illness, and Victimization

The results of several, large-scale research projects conclude that only a weak statistical association between mental disorder and violence exists. Serious violence by people with major mental disorders appears concentrated in a small fraction of the total number, and especially among those who use alcohol and other drugs.¹⁸

When a person with mental illness commits a violent crime, more than half the time, the victim is a family member, a friend, or an acquaintance.¹⁹

One study in North Carolina found that people with mental illness are almost three times as likely to be victims of violent crime than people without mental illness.²⁰

Not-Guilty-by-Reason-of-Insanity

The public and the media often associate mental illness and the criminal justice system with pleas of not guilty by reason of insanity (or under new state laws, a conviction of guilty but insane). A small fraction of defendants with mental illness make such pleas. A 1996 study of the Baltimore Circuit Court estimated that of 60,342 indictments filed during one year, only 8 defendants (.013 percent) ultimately pleaded not criminally responsible. All 8 pleas were uncontested by the state.²¹

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- ¹ Allen J. Beck, Jennifer C. Karberg, Prison and Jail Inmates at Midyear 2000, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2000.
- ² Bureau of Justice Statistics, Correctional Populations in the United States 1997, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 1997.
- ³ R. C. Kessler et al., "A Methodology for Estimating the 12-Month Prevalence of Serious Mental Illness," In Mental Health United States 1999, edited by R.W. Manderscheid and M.J. Henderson, Rockville, MD, Center for Mental Health Services.
- ⁴ Paula M. Ditton, Mental Health Treatment of Inmates and Probationers, Washington DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, July 1999.
- ⁵ Judith F. Cox, Pamela C. Morschauer, Steven Banks, James L. Stone, "A Five-Year Population Study of Persons Involved in the Mental Health and Local Correctional Systems," Journal of Behavioral Health Services & Research 28:2, May 2001, pp. 177-87.
- ⁶ E. Fuller Torrey, "Reinventing Mental Health Care," *City Journal* 9:4, Autumn 1999.
- ⁷ Linda Teplin and Karen Abram, "Co-Occurring Disorders among Mentally Ill Jail Detainees: Implications for Public Policy," *American Psychologist* 46:10, pp. 1036-45.
- ⁸ Ditton, Mental Health and Treatment.
- ⁹ Ibid.
- ¹⁰ Unpublished statistic courtesy Pennsylvania Department of Corrections.
- ¹¹ Perez, et. al, "Reversing the Criminalization."
- ¹² Unpublished data courtesy of Patrick Vanzo, Section Chief, Crisis and Engagement Services, Mental Health, Chemical Abuse and Dependency Services Division, King County Dept. of Community and Human Services.
- ¹³ Axelson, G.L. and O.F. Wahl. "Psychotic Versus Nonpsychotic Misdemeanants in a Large County Jail: AN Analysis of Pretrial Treatment by the Legal System." *International Journal of Law and Psychiatry* 15: 379-386, 1992.
- ¹⁴ From unpublished description of Forensic Community Re-Entry and Rehabilitation for Female Prison Inmates with Mental Illness, Mental Retardation, and Co-occurring Disorders program, courtesy of Angela Sager, grants manager, May 12, 2002.
- ¹⁵ Information available at: www.thresholds.org.
- ¹⁶ B. Vickers, "Memphis, Tennessee Police Department's Crisis Intervention Team," Bulletin from the Field, Practitioner Perspectives, U.S. Department of Justice, Bureau of Justice Assistance, Available at: www.ncjrs.org/pdffiles1/bja/182501.pdf.
- ¹⁷ D.L. Bower W. G. and Pettit, "The Albuquerque Police Department's Crisis Intervention Team," FBI Law Enforcement Bulletin, February 2001, available at: www.fbi.gov/publications/leb/2001/feb01feb.pdf.
- ¹⁸ H. Steadman, E. Mulvey, J. Monahan, P Robbins, P. Applebaum,, T. Grisso, L. Roth, and E. Silver, "Violence by People Discharged From Acute Psychiatric Inpatient Facilities and by Others in the Same Neighborhoods. Archives of General Psychiatry 55, 1998, pp. 393-401. See also K.T. Meuser, et. al., "Trauma and Post-Traumatic

Stress Disorder in Severe Mental Illness," *Journal of Consulting and Clinical Psychology* 66:3, 1998, 493-99.

¹⁹ Ditton, Mental Health and Treatment, 4.

²⁰ Virginia Hiday, Marvin S. Swartz, Jeffery W. Swanson, Randy Borum, and H. Ryan Wagner, "Criminal Victimization of Persons with Severe Mental Illness," *Psychiatric Services* 50, 1998, pp. 62-68. This study tracked 331 involuntary mental health outpatients. The rate of nonviolent victimization for the study cohort (22.4 percent) was similar to that in the general population (22.1 percent). The rate of violent criminal victimization, however, was two and a half times greater than in the general population - 8.1 percent compared to 3.1 percent.

²¹ Jeffrey S. Janofsky, Mitchell H. Dunn, Erik J. Roskes, Jonathan K. Briskin, Maj-Stina Rudolph Lunstrum, "Insanity Defense Pleas in Baltimore City: An Analysis of Outcome," *American Journal of Psychiatry* 153:11, November, 1996, pp.1464-68.