



FACT SHEET #4

Policy to Address Issues Regarding People with Serious Mental Illnesses in the Criminal Justice System

IMPACT

The increase in the number of individuals with serious mental illnesses who come in contact with law enforcement officers or are booked into jail or sentenced to incarceration means that more and more individuals suffer significant harm. For example:

- ◆ They experience great trauma in connection with arrest, booking or detention.
- ◆ They are unnecessarily stigmatized by involvement with criminal justice.
- ◆ They are penalized in their eligibility for housing, employment and public benefits as a result of—and long after—arrest or detention.

The various parts of the criminal justice system also face major problems, including:

- ◆ repeated use of significant police time and judicial resources;
- ◆ significant stress among law enforcement personnel (for example, when individuals with depression try to encourage the officer to shoot them);
- ◆ occupancy of jail beds needed for more serious offenders;
- ◆ management problems in jail, often requiring suicide watch or causing major disruptions for jail staff;
- ◆ challenges to probation and parole officers who lack special training or are too few in number to work with people with serious mental illnesses;
- ◆ a scarcity of financial resources as a result of these and other issues.

TAKING A DIFFERENT APPROACH

What is needed is a new approach to policy that will:

- ◆ assure that individuals with serious mental illnesses do not end up in the criminal justice system when a mental health approach would be more appropriate or because of prior failures to make mental health services accessible;
- ◆ effectively move people with serious mental illnesses out of the criminal justice system more expeditiously;
- ◆ ensure that those who have been arrested or incarcerated do not return.

GOALS FOR POLICY

Such policies will result in:

- ◆ better outcomes for the individual with mental illness;

- ◆ greater safety for all—the community, law enforcement officers, correctional staff, the individual with a mental illness and his or her family;
- ◆ a more efficient criminal justice system;
- ◆ greater cost-effectiveness across the criminal justice and mental health system, as mental health issues are addressed earlier and in a more appropriate forum;
- ◆ a more pleasant community for all.

APPROACHES THAT HAVE BEEN TRIED

Many communities have adopted programs that will divert people with serious mental illness from the criminal justice system at various stages of the process:

- ◆ time of arrest (pre-booking diversion);
- ◆ as the individual’s case is initially processed in the jail (pre-booking diversion);
- ◆ following booking, but without a trial (post-booking diversion);
- ◆ at adjudication or the trial stage (court-based diversion);
- ◆ following incarceration (re-entry programs).

Diversion is most likely to succeed, to violate individual rights less and to be less costly to the criminal justice system if it occurs in the early stages of criminal justice processing. However, depending on the seriousness of the crime or the individual’s prior history in the criminal justice system, this may not be feasible.

