

Mental Health Association in New York State, Inc.

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Working to ensure available and accessible mental health services for all New Yorkers



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Legislative Issue Brief

Criminal Justice

Background

More than a quarter million prison and jail inmates are identified as having a mental illness. The rate of serious mental illnesses for individuals in jail or prison is nearly three to four times that of the general U.S. population.

MHANYS is working toward a criminal justice system where individuals with mental illness are diverted away from jails and prisons toward more appropriate community-based mental health treatment as an alternative to incarceration.

At the same time we recognize that some adults with mental illness can not be diverted from incarceration due to the seriousness of their offense. For those inmates and detainees, MHANYS is committed to protecting their human and constitutional rights to treatment for acute medical problems including psychiatric problems. Along these lines MHANYS wishes to acknowledge the Legislature and the Governor for their passing of landmark legislation to enhance the care and treatment of prisoners with serious mental illness by limiting the instances in which these inmates can be placed in Special Housing Units (SHU).

We continue to oppose the civil confinement of sex offenders in the state's psychiatric centers. Rather than continue to add funding to this approach MHANYS is urging the Legislature to refocus investments to jail diversion programs that continue to be dramatically under funded. Funding should be reprioritized for the thousands of people with mental illness in jails who should be diverted to the community as opposed to the large amount of funding dedicated to a small amount of sex offenders currently in the state's mental health system.

Issues/Recommendations

Crisis Intervention Teams

Issue: Police Crisis Intervention Teams: Two common-law principles provide the rationale for the police to take responsibility for persons with mental illness: their power and authority to protect the safety and welfare of the community, and their *parens patriae* obligations to protect individuals with disabilities. The police often fulfill the role of gatekeeper in deciding whether a person with mental

illness who has come to their attention should enter the mental health system or the criminal justice system. A wealth of studies conducted from the late 1990's to the present strongly suggest that collaborations between the criminal justice system, the mental health system, and the advocacy community plus essential services reduce the inappropriate use of U.S. jails to house persons with acute symptoms of mental illness. Studies also show that police officers who participate in crisis intervention training programs rate these programs as being highly effective in meeting the needs of individuals with mental illness in crisis, keeping them out of jail, minimizing the amount of time officers spend on these calls, and maintaining community safety.

Recommendation:

- Advocate for funding for Crisis Intervention Teams that train police officers about mental health.

Mental Health Courts

Issue: Mental health court is a recent phenomenon that involves collaboration and consideration from practitioners in both the criminal justice and mental health fields. Mental health courts typically involve judges, prosecutors, defense attorneys, and other court personnel who have expressed an interest in or possess particular mental health expertise. The courts generally deal with nonviolent offenders who have been diagnosed with a mental illness or co-occurring mental health and substance abuse disorders.

Recommendation:

- Increase the number of mental health courts and other jail diversion models in New York State.

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