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## Mental Health In Prison

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**Mental Health in Prison**

by

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**MASTER OF ARTS CRIMINAL JUSTICE LEADERSHIP**

## **Abstract**

Disparities in healthcare include but are not limited to race, religion, socioeconomic status, mental health, and geographic location, to just name a few. Persons with mental health concerns are at the top of this list. Not being facilitated in mental health institutions but rather incarcerated within our jail and prison systems, those suffering from mental illness tend to experience worsening conditions that in more extreme circumstances lead to suicide.

**Keywords:** *Health Care, Ethics, Mental Health, Incarceration*

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## Chapter 1: Introduction

There are 195 Countries in the world. Do you know where the United States ranks in a listing of Countries with the best healthcare? Taking into consideration the overall quality of the healthcare system; infrastructure, doctors, staffing, medicine availability, government readiness, and costs the United States ranks 18 of 195. To the naked eye, the rating provided is not alarming; however, it should be. Why isn't the United States in the top 10 percentile? It is because healthcare here in the U.S., is not universal, it is understaffed, and underfunded. The conditions worsen within the jails and prisons. Correctional healthcare is proven to be poor quality, inaccessible and offers the general essentials due to being understaffed and under resourced. Persons suffering from mental illness require more than the bare minimum offered within these facilities. Medications must be administered and monitored, daily therapy sessions, and informative health and/or substance abuse courses should be provided daily.

Common mental illnesses that exist within these facilities are schizophrenia, bipolar disorder, depression and/or anxiety. Lack of medication, therapy, and counseling result in exacerbated erratic behavior. Behaviors such as self-infliction; smearing feces over themselves or their cells, head banging, cutting, and/or yelling and screaming resulting in further disciplinary actions because these such actions are deemed as uncooperative and disruptive.

Once these actions are performed, inmates are restrained and forced into solitary confinement. Solitary confinement can last days, weeks, or even months. Living in such circumstances, by being confined to an extraordinarily small parameter for an extensive period cause further psychological damage.

The United States Health Care industry makes approximately 4 trillion dollars annually. Making us, the highest spending Country worldwide. As you recall, we ranked number 18 in

terms of “best” healthcare, yet we pay the most in healthcare. Ironic? Certainly. Despite the high revenue the United States health industry makes, disparities still exist. In the criminal justice system, social and economic inequalities impact the prison population in more ways than one. Inmates with greater economic and social means receive different, yet better treatment across the board within the prison systems. Inmates with higher socioeconomic have the funds to access resources and people that can better cater to their needs during their sentence. Whereas, those who are categorized as a minority or lower socioeconomic status; Latinos and African Americans, do not receive adequate or equal care. Often, diagnosis and medications are delayed, and these inmates receive insufficient specialty care.

## **Background**

Mental illness is extremely important to me because my grandmother suffered from mental illness, and I watched firsthand how her illness progressed over the years. At times it wasn't manageable and eventually became a huge burden on my family. As a child, I never understood mental health or what I was experiencing when I encountered her. I thought it was the norm until I grew older and began to comprehend the world around me. My mother and aunt became her legal guardians in my teenage years. Together, they began making more decisions for her because she no longer could live alone. She was diagnosed with schizophrenia and would disappear from her home days at a time.

Schizophrenia is a mental illness that impairs one's ability to think, feel and behave. Therefore, resulting in a distorted sense of reality including hallucinations. With no scientific confirmation of what causes this mental disorder, science does show, long term medication, ther-

apy and specialty care is required to subside symptoms and erratic behavior. When mental episodes arise, the hospitals would never admit her, yet they would increase the medications. Ultimately, worsening other underlying health conditions. Her passing in February 2021 made me think about the mentally ill population. A population consisting of individuals who are poor, homeless, or struggling with substance abuse problems. With the odds already against them, percentages of crime, or even low-level nonviolent offenses persist resulting in punitive sentencing that mandates imprisonment. Which begins a cycle within the jail system. A system in which they do not belong.

Society tends to be bias when it comes to this population and assume the worst. Mental Ill persons are categorized as dangerous and/or incompetent. Even considered, “bad people.” This precomputation couldn’t be more wrong. I study the criminal justice system because I believe in change. Certain populations, such as those suffering from mental illness, do not have a voice for that change. My goal is to advocate the benefits of mental health facilities and spread awareness on the current conditions of our jails/prisons.

Society may still oppose giving inmates the authority to leave the jail premises to participate in outpatient treatment because of safety protocols however, the extent of freedom gets misconstrued. Time is still being served just in a different manner. When regular inmates participate in rehabilitative programs it is with the intent to learn a new skill set or gain as much knowledge as they possibly can to learn ways to not reoffend and better transition into society upon their release. Outpatient health facilities should not operate any differently. The biggest difference would be these individuals are under stricter supervisor and seeking the help of not only a healthcare professional but a psychiatrist as well. Those suffering from mental illness require ex-

tensive counseling sessions and treatment plans. Severe Mental health illnesses such as schizophrenia and bipolar disorder. Such a schedule cannot be accommodated under the normal circumstances of a jail or prison.

The statistics on the mentally ill population are extremely high. According to the Bureau of Statistics, 1 in 6 inmates suffer from mental illness. Prisons and jails house these individuals instead of facilities that offer round the clock health care attention and treatment these individuals desperately need. While nearly half of the prison population suffers from depression, nearly 25% of the prison suffers from severe mental illness including personality disorders and schizophrenia. These alarming numbers only seemingly increase leading to detrimental outcomes all over the country; death and suicide. This poses the question, “why?”

### **Statement of the Problem**

Why are programs within these facilities not created and maintained to accommodate the mentally ill population to properly diagnose and treat them? Consistent treatment will decrease mental and emotional instability, irrational decision making and thinking, and impulsive behavior. Ultimately, consistent treatment helps reintegrate this population into society while also cutting prison costs. The average cost to house an inmate is \$80 per day. To house an inmate with mental illness, the cost rises to approximately \$130 per day. This saves approximately, \$18,250 per inmate annually.

### **Conclusion**

Understanding both the healthcare system and the prison system here in the United States is very important. The criminal justice system has so many moving parts, that is is easy for one to analyze the data from the surface and quickly determine other areas that could use funding or

attention due to the stigma surrounding jails/prisons. Every day, week, month and year that passes with no growth or change, the higher the fatality rate increases amongst the mentally ill population currently incarcerated. They are deserving of a voice for change.

## **Chapter 2: Review of the Literature**

What is the Criminal Justice System? It is a structure composed of subgroups such as law enforcement, corrections and judicial. All of which are designed to work alongside one another to create a fully functioning network to protect and provide order in this country. Furthermore, the individuals who take the oath to work within these departments and occupy their positions, are held at a certain professional standard. Specifically, a high standard. This standard should resemble leadership, Integrity, accountability, emotional intelligence, and empathy.

### **Understanding of & Implications to the Thought Behavior**

Young men and woman both struggle with many of the same things when it comes to cognitive behavior, especially in the Criminal Justice system. For this reason, rehabilitation is so very important. People young and old, male or female go through a lot in life and sometimes the aftermath of their experiences lead to bad decisions. These behaviors do not make them bad people. Rehabilitation and counseling are the second chances many of these individuals need.

According to American Psychological Association (2017), cognitive behavioral therapy is defined a form of psychological treatment that has been demonstrated to be effective for a range of problems including depression, anxiety disorders, alcohol and drug use problems, marital problems, eating disorders, and severe mental illness. Numerous research studies suggest that CBT leads to significant improvement in functioning and quality of life. In many studies, CBT

has been demonstrated to be as effective as, or more effective than, other forms of psychological therapy or psychiatric medications” (What Is Cognitive Behavioral Therapy? 2017).

Sixty-five to seventy-five percent of juveniles currently residing in detention centers have a diagnosable mental illness. Let’s allow this high percentage sink in. Studies show nearly 2000 children are arrested in the United States each day. Can you imagine being a child, suffering internally from a mental illness that is ignored and later manifests itself into a more severe psychological disorder? Unhealthy behaviors, such as instability, impulsive actions, irrational ways of thinking are repeated into adulthood leading to indefinite incarceration where the trauma worsens drastically. Once incarcerated, these individuals are now housed with other inmates that do not quite understand the psychological impairment. Therefore, using this condition as means to bully, physically or sexually abuse, or even manipulate these inmates.

Their at risk of physical and psychological abuse, sexual assault, suicide, and other harms, including inadequate educational instruction. In addition to these risks, the use of solitary confinement further deprives these kids of social interaction, mental stimulation, and key services during a critical time of adolescent brain development. Children in adult jails are more likely to suffer permanent trauma and are five times more likely to die by suicide than children held in juvenile detention centers (The State of America's Children, 2021).

### **Administrative Application of Mental Health**

As an officer patrolling the streets of a community, the objective is to protect and serve. Although day-to-day duty may not be easy, this is the risk you signed on to take when the oath was taken to become an officer. Constant occurrences of face-to-face interactions with the men-

tally ill population as well as with both violent and nonviolent offenders are anticipated and expected. Although these run-ins are common, outcomes tend to vary due to the way the incident was handled. Sure, protocol and procedure are in place for intense dilemmas; however, officers must sometimes make a judgement call and react solely based on the mood of the moment.

According to the Bureau of Justice Statistics, Table 9 exemplified below displays the statistics of arrest-related deaths in a three months' time span dated back to 2015. The report indicated that two thirds (63%) of the death related arrests were categorized as law enforcement homicides. Table 11, on the other hand, demonstrates in further detail the percentages of initial contact that lead to law enforcement homicides. Of that 63%, 56% of the initial contact is initiated by law enforcement calls of a suspicious activity or civilian calls. 9% were initiated by traffic of vehicle stops, another 9% were initiated by warrant summons, and 10% were interactions with the mentally ill population. The remaining percentages are categorized as the unknown. I would like to focus on the responses that come from calls made for suspicious persons and calls made about the mentally ill. The question many in communities across the United States would like answered is why? If protocol and procedures are in place, why is the percentage of fatalities so high?

**TABLE 9**  
**Manners of arrest-related deaths, by information source, June-August 2015**

Manner of death	All deaths		Source of manner-of-death measure			
	Number	Percent of all deaths	Incident form		Open source	
			Number <sup>a</sup>	Percent of manner-of-death	Number	Percent of manner-of-death
All manners of death	424	100%	301	71.0%	123	29.0%
Homicide <sup>b</sup>	268	63.2	195	72.8	73	27.2
Suicide	75	17.7	46	61.3	29	38.7
Accident	50	11.8	40	80.0	10	20.0
Natural causes	6	1.4	5	83.3	1	16.7
Undetermined	8	1.9	8	100	0	0.0
Unknown/investigation incomplete	17	4.0	7	41.2	10	58.8

Note: Manner of death was determined from review of open-source information when this information was not provided by the agency survey respondent.

<sup>a</sup>Tables 11 through 15 report on the 303 deaths for which LEAs completed a CJ-11A form. Manner of death was provided on 301 CJ-12A forms.

<sup>b</sup>Homicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement officer.

Source: Bureau of Justice Statistics, Arrest-Related Deaths Program-Redesign Study, 2015.

**TABLE 11**  
**Percent of arrest-related deaths, by reason for initial law enforcement contact as reported by responding agencies, June-August 2015**

Reason for initial contact	All manners of death	Manner of death		
		Homicide <sup>a</sup>	Suicide	Other
Total number of deaths	303	211	43	39
All arrest-related deaths	100%	100%	100%	100%
Request for law enforcement response to criminal/suspicious activity <sup>b</sup>	49.8	50.2	55.8	41.0
Request for medical/mental health/welfare assistance <sup>b</sup>	11.2	10.4	11.6	17.9
Traffic/vehicle stop	10.9	8.5	7.0	25.6
Routine patrol	6.6	7.6	2.3	2.6
Warrant service	6.9	6.2	9.3	7.7
Some other reason	12.2	13.7	14.0	5.1
Unknown	1.0	1.4	0.0	0.0
Item missing	1.3	1.9	0.0	0.0

Note: Details may not sum to totals due to rounding. Manner of death was missing for 10 arrest-related deaths. CJ-11A forms were missing for 121 of the 424 arrest-related deaths.

<sup>a</sup>Homicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement officer.

<sup>b</sup>Request could have been made by decedent or other individual.

Source: Bureau of Justice Statistics, Arrest-Related Deaths Program-Redesign Study, 2015.

Administrative decision-making plays a major role in the outcomes of these situations because it is designed to prevent crime, protect the public and ensure justice. Administrative officials can collect data within their local department based on their reports and propose new procedure and policy.

Ethical questions and issues arise for all people, not just for professionals in the criminal justice system, or professors who teach ethics, or members of the clergy. We may all have to make decisions involving ethical issues in our daily or professional lives because, as we have noted, ethical issues are concerns with questions of right or wrong and how we ought to act.” Would ethics perhaps be the cause of such high statistics?(The State of America’s Children 2020).

On May 25, 2020, in Minneapolis, the clerk in a convenience store phoned local police because the customer, George Floyd, allegedly purchased cigarettes with counterfeit money. Questions primarily revolving around race, judgement, and excessive force quickly arose. Three

officers arrived on the scene to make the rest; however, one placed his knee on the back of George Floyd's neck for approximately eight minutes and fifteen seconds. During this time, both George Floyd and bystanders desperately pleaded for help. George Floyd stated he could not breathe due to the excessive force that soon after turned deadly.

This is one of many incidents that occurred over the past year where poor judgment and a series of unlawful procedures had taken course. Not only did this officer hold his knee into George Floyd's neck well after he cried for help and was later unconscious, but he also kept his knee in place even after paramedics arrived at the scene. Did this officer have any principals, value, or code of conduct? The department administration was forced to take accountability for their subordinates and ensure the proper disciplinary actions measures were taken after riots and protests were in full effect across the country for the injustice that took place on several devices including body cam and cell phone footage.

Shortly after the Minneapolis event, another incident did not make national news, but local coverage. On October 28, 2020, police were called numerous times to a scene in Philadelphia, PA involving a mentally ill person waving a knife around in the street. Prior to police arriving to the scene, calls were made to the station explaining the man, Walter Wallace Jr., suffered from mental illness. His erratic actions resulted from a psychotic episode. The two officers responding had prior knowledge of the individual's health needs but still insisted to shooting several times, murdering Walter Wallace Jr. in broad daylight in front of family, friends, and neighbors. This incident too was captured on camera for the public to analyze. Body cams were also in use during this incident and if you listen closely to the video, you hear one officer tell the other to "just shoot." The person in question did not lung or walk towards the officer. Instead, he stood several feet away in the middle of street. One could imagine this statement was made simply out

of fear, however, does fear cause a trained professional to shoot another person several times?

Another nationally recognized fatal shooting took place in a Louisville, Kentucky, apartment on March 13, 2020 where Police enforced an active search warrant for Jamarcus Glover, listing Breonna Taylor's home address. Jamarcus Glover was Breonna Taylor's ex-boyfriend. He was not at the address at the time of the tragic incident. Instead, it was Breonna Taylor and her current boyfriend, Kenneth Walker. As police entered the residence, Walker fired one shot wounding an officer in the leg. Walker later told police he was defending the residence with a legal firearm under the assumption Breonna's ex-boyfriend Jamarcus Glover was breaking in. Three responding officers opened fire after Walker's initial shot was fired. Breonna, unarmed and standing beside Walker in the hallway of her apartment, was shot over six times, killing her within seconds.

Charges on the officers involved were downgraded to wanton endangerment due to several shots being fired into a neighbor's residence during the incident. Otherwise, Breonna's death in the legal perspective was justified based on the authorized search warrant. I cannot entirely agree with the verdict for these reasons. Legal firearms in Kentucky I understand, can lead to unpredictable unfortunate situations; however, knowing that people in Kentucky have permissible firearms should raise concerns for procedure when acting on a search warrant given officers are entering residences unannounced. Breonna was completely innocent in the situation and did not deserve to pass away in that manner of which she did. Consider for a moment, what if the circumstances were different, and children could have resided in the residence, which in this case, stray bullets would have struck them. I think in circumstances where firearms are legal the protocol for entry should be announced. After it is announced, and police take the initiative to enter the residence what happens after that is the consequence of the resident because police officials

announced themselves.

No system is perfect, however I have hope that change can be made to minimize the tragic events that could simply be avoided. As of mother of two sons, I worry that today's current climate in which African American men today do not have the best reputation with police, which will impact my sons, both young and influential. Although I believe in the criminal justice system, I also believe socioeconomic status such as their race contribute to undetermined factor of their safety. This is not a gamble I am willing to take. I am a firm believer that right is right and wrong is wrong. No matter the circumstance.

My grandmother recently passed, February 1, 2021, enduring trauma, causing long-term history of mental illness. More specifically, schizophrenia. She suffered from witnessing her mother pass away from being trapped in a house fire. Shortly after, she endured an unpleasant divorce causing isolation and depression. She was placed in various state housing arrangements that equated to nursing homes that failed to properly accommodate her needs. Symptoms progressed from her schizophrenia like hearing voices that eventually led to impulsive actions. Trespassing in cities such as New York, to homes she did not belong in became a "norm" when she was experiencing a psychotic break. Thankfully, officers that arrived for every incident arrived with compassion and a lending hand. Knowing she was unarmed and suffered from mental illness her caregivers which are my mother and aunt were notified immediately.

Unfortunately, incidents such as Breonna Taylor and George Floyd tie together in more ways than one. Patrol officers have been using excessive turned deadly force towards people with no repercussions for decades but because technology is so advanced, most of these incidents are being recorded and publicized. Riots, protests, and public scrutiny is putting massive amounts of pressure on the criminal justice system to make change whether it is warranted or

not. All of which is an example of systematic failure. Failure internally leads to failed attempts to protect and serve surrounding communities.

In the selected text, *Criminal Justice Organizations*. One section that particularly made an impression on me was *Ethical Considerations in Decision Making*. The text in this section stated, “Are mistakes of the heart mistakes of the head? Are the mistakes due to the lack of information or miscalculation, or are they due to personal or agency bias, greed, egoism, or another mechanism that would justify harmful act? (Criminal justice organizations: Administration and management 2015 p.374-376).

The truth is every situation is different. There are so many contributing factors that play a part. The criminal justice system understands this is a widespread issue and is trying to control the process better.

### **Ethical Application of Mental Health**

Ethical analysis and ethical code of conduct are major parts of the professional world. It is understood what an organization/employer expects of its employee; however, many lines and boundaries can be crossed both intentionally and unintentionally. The mentally ill population and mental healthcare are under resourced and underappreciated, creating a dynamic of ethical inequality, stigmas, and bigotry.

Ethics is defined as the discipline dealing with what is good and bad and with moral duty and obligation; A set of moral principles: a theory or system of moral values (Ethic, 2020). In the Criminal Justice field all personnel are trained to respond to certain situations and scenarios in a specific manner. This generally is obviously general; however, officers are made aware of

worse case scenarios. Should an officer or any law enforcement personnel be in a circumstance they feel not even their training would resolve, discretion is the next useful tool.

Discretion and ethics go hand and hand. Some may not agree, but here is why. When a decision is made, outside of what you learned in training to be morally correct, it may conflict with the organization's ethics policy. Did the action you perform define it as unethical? Unlawful even? Many undetermined factors contribute to analyzing and understanding the impact of a split decision or act of impulse. In recent years, policing and the criminal justice system have been under fire for a lot of unethical and unlawful behavior. The advanced technology and use of social media platforms such as Facebook, Instagram, Tik Tok, and Snapchat have exposed and shed light to both positive and negative stories, behaviors, and movements worldwide possibly contributing to discretion, and ethical decision making fails.

The Mentally Ill population and Mental healthcare system experience both legal and ethical aspects that are not highly publicized. Is that a surprise? Absolutely not. The Mentally Ill population is one that does not receive nearly the amount of attention it deserves. Society created the stigma, prejudice, and discrimination against people with Mental Illness. The American Psychiatric Association highlights three kinds of stigma that exist in today's world pertaining to the mentally ill population. The first being Public Stigma. Public stigma is defined as negative or discriminatory attitudes that others have about mental illness whereas Self-Stigma takes this definition one step further to include self-perception. How one may internalize their feelings about themselves, shame, and their condition. Lastly, is Institutional stigma. It is defined as being more systemic, involving government and private organizations policies that intentionally or unintentionally limit opportunities for people with mental illness (Stigma and Discrimination, n.d.).

Please refer to Figure 1 below which defines and exemplifies all three kinds of Stigma and their impact.

Figure 1:

### Types of Stigma

	Public	Self	Institutional
Stereotypes & Prejudices	People with mental illness are dangerous, incompetent, to blame for their disorder, unpredictable	I am dangerous, incompetent, to blame	Stereotypes are embodied in laws and other institutions
Discrimination	Therefore, employers may not hire them, landlords may not rent to them, the health care system may offer a lower standard of care	These thoughts lead to lowered self-esteem and self-efficacy: "Why try? Someone like me is not worthy of good health."	Intended and unintended loss of opportunity

Source: Adapted from Corrigan, et al.

These perceptions and Stigmas unfortunately carry over into the Criminal Justice System. The mentally ill population have a high presence and percentage within our jails and prisons. In an article titled, "Qualitative insights from Chicago Police officers," the author takes a deep dive in understanding officer training and responses to calls involving mentally ill individuals. Furthermore, she explores how much knowledge is received or perceived upon arrival and how it impacts the call of action warranted after the officer arrives on scene. "Practitioners should consider the distinction between police effectiveness and "whole system" effectiveness. Police officers could be held to account for "principled encounters" that are resolved in ways that reduce immediate harm, avoid stigma and advance procedural justice, but the full impact of their effects is contingent on the capacity of the wider system to do its job (Kirubarajan, 2021). Mental health

nurses are well positioned to assist with officer training and provide support to officers responding to mental health-related situations. Introduction: Data on fatal outcomes of police encounters, combined with evidence on the criminalization of people with mental illnesses, reveal a grave need to improve outcomes for individuals with mental illnesses who encounter police, “ (Wood et al., 2020, pp. 29-32).

The lack of training with perception of certain officers unfortunately leads to unethical behavior. Many of these calls result in fatal deaths. An officer is trained to draw their weapon if the individual he/she is trying to apprehend is uncooperative, threatening and the officer fears their life. Although, this is proper protocol for the officer, the individual experiencing a mental break in most cases does display threatening behaviors. Drawing a weapon only worsens the dilemma. Now the same one question arises. Is the shooting justified ethically and/or lawfully?

I personally do not think so. I do not believe a shooting involving anyone undergoing a mental break is justified. Other means of apprehension should take place as well as medical professionals immediately being accessible to take over the situation. When dispatch informs an officer of a call to respond to, I think the standard line of questions should be altered to determine more about situation before officers arrive. Shootings will be prevented if the appropriate personnel respond in a timely manner. Rest assured, accountability, knowledge and training go further than just responding officers.

Research, schooling, and training can only go but so far. Doctors and nurses are taught the pros and cons of situations as well as the adverse effects of specific medications and procedures for various medical scenarios. However, sometimes they are faced with the unknown and must again use discretion and judgement of their own to determine how to save a life or treat a patient. “Ethical challenges also arise in connection with the choice of psychiatric treatments. Since the

pathophysiology of mental illnesses remains incompletely understood, it's inevitable that there are similar gaps in our knowledge regarding mechanisms of action of pharmacological treatments. Such incomplete knowledge can lead to misinformation or uncertainty regarding the appropriate use of psychotropic medications, which in turn can have adverse effects on patients and their families, (Clinical and Social Contexts of Ethical Issues in Mental Health Care, 2016, pp. 567–571).

The Mental Health Policy advocates legislation that affects the lives of people with mental health conditions as well as their families. The history of treatment of people with mental health problems, and how our system has done a poor job at protecting people. The story of the Mental Health Bell is a reminder that we cannot return to a system where people are shackled, mistreated, and otherwise forgotten. Since 1909, Mental Health America (MHA) has fought to improve the system for individuals who struggle with mental health problems. The United States still has a way to go with creating a fair and just system within healthcare and the criminal justice system. Statistics prove the mentally ill population has a high presence in the prisons and jails.

Florida's Orange County Jail, the average stay for all inmates is 26 days; for mentally ill inmates, it is 51 days. In New York's Riker's Island, the average stay for all inmates is 42 days; for mentally ill inmates, it is 215 days. Mentally ill inmates are incarcerated longer than other prisoners because many find it challenging to understand and follow jail and prison rules. One study, jail inmates were twice as likely (19% versus 9%) to be charged with facility rule violations. In another study, in Washington state prisons, mentally ill inmates accounted for 41% of infractions even though they constituted only 19% of the prison population. Additionally, pretrial inmates with serious mental illness experience longer incarcerations than other inmates in many states if they require an evaluation or restoration of competency to stand trial. A survey of state hospital

officials in 2015 found that 78% of the 40 responding states were wait-listing pretrial inmates for hospital services which heightens the probability of an incarceration because a prison will make the space. The waits were “in the 30-day range” in most states, but three states reported forensic bed waits of six months to one year. “Mentally ill inmates in some states are reported to spend more time waiting for competency restoration so they can be tried than they would spend behind bars convicted of the offense for which they have been charged,” (Policy Issues, n.d.). Could you imagine why this is? Figures 2 and 3 provide a visual perspective to the statistics listed above.

Figure 2:



Figure 3:



It is speculated that no one wants to deal with anyone associated with the mentally ill population. Morally, one is alleged to know right from wrong, however, ethical components further complicate a scenario. There are so many grey areas and I personally feel like that's where the individuals that need help reside. Institutions no longer exist to house people with schizophrenia, bipolar disorder, etc. It is becoming the responsibility of oneself or their family. Most families cannot deal with the constant care and attention, needed to provide for a mentally ill person. After constant uphill battles, families make persons with mental illness feel they can maintain a regular life without assistance which is where problems occur. It is interesting because my grandmother suffered from being mentally ill. She experienced a horrible divorce from my grandfather and losing her mother from a house fire shortly after she left the home that she mentally checked out of life. I never knew her life prior to the medications, homes, and mental breaks. All my life, I knew her for battling these issues and watching it all take a toll on my

mother and aunt. They tried to let her live on her own per her request and after a few months she would have an episode and disappear. I can recall one instance she left her home, took a bus into New York City, and entered the home of a stranger. Many ask how she entered. She found a police officer and told him she had been locked out of her home and needed assistance. Being an elderly woman carrying bags, he proceeded to jimmy the lock to let her into the residence. He did not check any identification or ask any additional questions. She thanked him for his assistance, entered the home and proceeded to make tea and sit in the living room to watch the weather channel. The homeowners later came home to find her in their living room and called the police. They did not press charges because they could see she was not herself; however, that same officer arrived back to the residence to wholeheartedly apologize for his involvement. Ethically, he was wrong. Morally, he did the right thing. He broke many rules and regulations by letting her into the residence without checking identification and receiving the proper information however, seeing an elderly woman standing on the street worried and requesting help, he felt warranted to fulfill that request.

### **Legal & Legislative Life-Long Learning & Application Mental Health**

Government; An organization so simple yet complex. Ask anyone what the definition of government is, and you will receive a wide variety of answers. Why is that? It is because there are so many different moving parts that are misunderstood, the meaning and understanding of order becomes solely based off perception and experience. This course, Legal and Legislative Issues, gave me a whole new perspective of how the law works.

According to <https://www.merriam-webster.com/dictionary/government> Government is defined as the body of persons that constitutes the governing authority of a political unit or or-

ganization: such as the officials comprising the governing body of a political unit and constituting the organization as an active agency, government (1828). In other words, meaning an organization composed of politicians, officers, judges, etc. making and executing law, policy, and procedure. All of which are done in a strategic manner. The government consists of three branches: Legislative, Executive and Judiciary.

The United States House of Representatives has a webpage, <https://www.house.gov/the-house-explained/branches-of-government>, that defines the three branches as such; “ The legislative branch is made up of the House and Senate, known collectively as the Congress. Among other powers, the legislative branch makes all laws, declares war, regulates interstate and foreign commerce and controls taxing and spending policies. The executive branch consists of the President, his or her advisors and various departments and agencies. This branch is responsible for enforcing the laws of the land. Lastly, the judicial branch consists of the U.S. Supreme Court and the Federal Judicial Center (Branches of Government | House.Gov, n.d.-b).

Ethics being the determining factor resulting in how officers respond and react to incidents. Legal and Legislation have the same concept. Laws are brainstormed, proposed, and put into effect. Furthermore, executed and protected by reinforcement. The issue and question at hand is if, the laws put in place are constitutional. In such case, the Supreme court takes action to determine and appeal. If I were in a powerful position to make changes with law, legislation, and order, I would begin with public policy. Public policy is the social, unwritten concept of law. With the mentally ill population we see more and more homeless, in jail or deceased due to improper recognition and law. Nowadays, it is more common to see erratic behavior ignored by society because people are more comfortable being bystanders that film that entire incident or be-

cause it has become a norm to assume an episode is related to drug consumption. This assumption and lack of action following exemplifies public policy and the lack there of. To ignore any erratic behavior whether is drug induced or mentally related should never be ignored. One need is not less than or greater than the other. In both cases, the individual needs to be responded to. For incidents that are not ignored, and police are called to the scene, and it tends to get out of hand faster than it can be controlled.

To change this mindset, education is key. People always fear the unknown which is why officers are quick to react and respond with the actions of a mentally ill individual being threatening. I think one day a month should be dedicated to the education and handling of the mentally ill. Beginning to educate people at a young age, public school-age ideally up to the high school level, will make people more equipped mentally. In addition, people will want to respond because they will then create an emotional response after considering what this person may be suffering from or with. Also, I would have a responder with a crisis unit respond to calls regarding a mentally ill person first, and a squad car be their back up if the person at hand cannot be tamed.

Laws in relation to the mentally ill population do not really apply with the criminal justice system as some of these individuals end up incarcerated. Laws pertaining to the mentally ill only apply to discrimination in employment, activities, public accommodations, and transportation. In the public eye, the mentally ill are people still competent enough to make their own decisions to a certain extent.

The trademark Supreme Court case for mentally ill was O'Connor V. Donaldson. This case was about Kenneth Donaldson, a diagnosed paranoid schizophrenic. In 1957, his father had

him committed and in court to attend a brief hearing where the judge advised him, he would receive treatment in a Florida State hospital for a few weeks. Instead, he was confined for fifteen years. In February 1971, Donaldson charged O'Connor and other members of the hospital's staff with intentionally and maliciously depriving him of his constitutional right to liberty. The justices determined in their ruling that a state cannot constitutionally confine a non-dangerous individual who can survive safely in freedom by themselves or with the help of willing and responsible family members or friends. 422 US 563 (1975). This case set the tone for the rights of the mentally ill population which further explains the high incarceration rate.

The significance of the O'Connor V. Donaldson case was to prove the mentally ill population also has constitutional rights. During the 1960's and 70's the health system was challenged because nonviolent patients were being housed with patients with a history of violence and aggression. Moreover, the healthcare system argued this was done because institutions were overcrowded, like a problem we see today with prison populations. Both raising the same concerns. Patients and inmates not meeting with a licensed psychiatrist. In addition, both patients and inmates were denied their basic civil rights, including the right to a trial by jury. Others were committed to institutions against their will for an indefinite period (O'Connor v. Donaldson - Significance, n.d.)

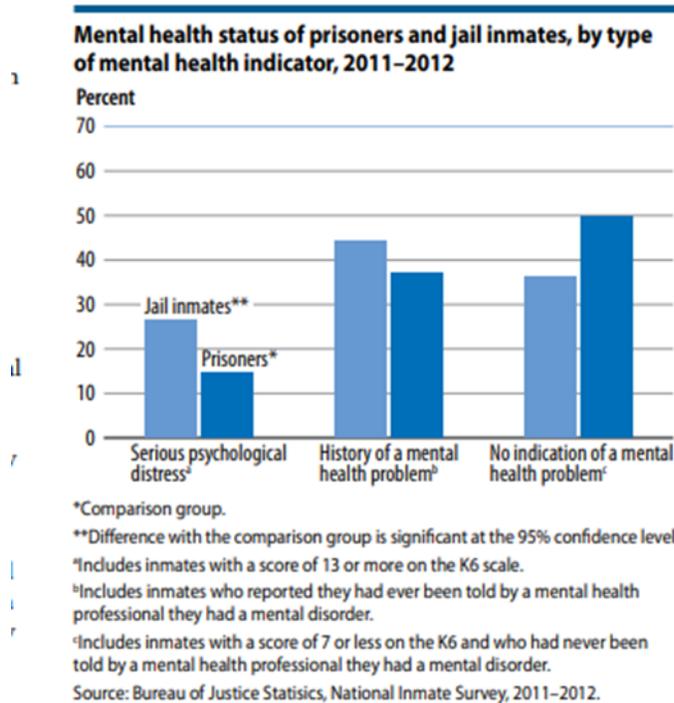
Another article titled, "The Incarceration of the Mentally Ill," stated, "Today, there are nearly five times more mentally ill people in jails and prisons than there are in state psychiatric hospitals." Why do you think this is? Would you consider these statistics constitutional? President Regan (1967) signed the Lanterman Petris-Short Act ending the practice of institutionalizing patients against their will, or for indefinite amounts of time. Leading to over populations prisons because the inmates had nowhere else to go.

Furthermore, the numbers tend to increase for inmates with mental illness due to treatment received while being incarcerated. As demonstrated in Figure 3 below. Jail inmates have a percentage of 25 compared to Adult Generational Population with 5%, Individuals with no prior convictions with 4%, Individuals under supervision at 11% and supervised individuals at 14% (Bureau of Justice Statistics (BJS) - Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011–2012, n.d.)

For this very reason, The Mentally Ill Offender Treatment and Crime Reduction Act (S. 1194) was introduced in 2004. This new act aims to improve access for offenders in the criminal justice system access to treatment services and access to well needed facilities. According to, <https://www.apa.org/news/press/releases/2004/11/offender-act>, The Mentally Ill Offender Treatment and Crime Reduction Act is defined as, “This law places critical resources where they are needed most, on the front lines,” says Russ Newman, Ph.D., J.D., APA's executive director for professional practice. "It will improve collaboration among the criminal justice, juvenile justice, mental health and substance abuse treatment systems. It will ensure that both adult and juvenile non-violent offenders with mental health disorders are identified properly and receive the treatment they need from the point of arrest to re-entry into the community and are not simply recycled into the system."

The graph below displays percentages of both jail and prison populations that have psychological distress and mental health problems compared to the those with no indication of either between the years of 2011-2012.

Figure 4:



Approximately three-quarters of prisoners (74%) and jail inmates (73%) who met the threshold for Serious Psychological Distress (SPD) said they had received mental health treatment in their lifetime. More than half (54%) of prisoners and a third (35%) of jail inmates who met the threshold for Serious Psychological Distress (SPD) had received mental health treatment since admission to their current facility. Treatments included prescription medication, counseling or therapy, or a combination of the two. In comparison, 37% of prisoners and 38% of jail inmates who had ever been told they had a mental disorder said they were currently receiving treatment for a mental health problem. An estimated 30% of each group said they were currently taking prescription medication (Bureau of Justice Statistics (BJS) - Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011–2012, n.d.).

I must say the Criminal Justice System has come a long way with trying to understand and accommodate the mentally ill population, however, there is a huge gap between 1970 and 2004 where many different incidents took place that were also heard by the Supreme Court due to injustice. *Youngberg v. Romeo*, 457 US 307 (1982) is another Supreme Court Case where a man was involuntarily committed and suffered. Nicholas Romeo was a twenty-six-year-old man who had developmental disabilities but was cared for by his parents. With the loss of one parent, his father, his mother was not able to provide for him on her own so she decided the best option would be a facility. She admitted Romeo into Pennhurst State School and Hospital. During his time spent, his mother grew suspicious and unhappy with injuries her son sustained while in their care. In 1976, she filed a suit in the U.S. District Court alleging violation of her son's rights under the Eighth and Fourteenth Amendments, for failing to institute appropriate measures to avoid injuries, restraining him for prolonged periods on a routine basis, and failing to provide appropriate treatment. (*Youngberg v. Romeo*, 457 US 307 (1982)).

In this case, "The Court held that the involuntarily committed do have liberty interests in safe confinement and freedom from bodily restraint under the Fourteenth Amendment. However, a historical right to adequate habilitation was less clear, made especially so by the facts of the case in question. Because no amount of habilitation would allow Romeo to live independently, the Court was unsure what would qualify as adequate habilitation. The Court held that Romeo's liberty interests required Pennhurst to provide adequate habilitation, but only as it related to Romeo's right to safe confinement and freedom from undue restraint. The Court declined to answer whether the Fourteenth Amendment includes a stand-alone right to adequate habilitation, or how to determine the level of habilitation required to protect other liberty interests under the Fourteenth Amendment. The Court emphasized the need to balance the legitimate interests of both

parties involved to determine whether liberty interests were being adequately protected. In the involuntary commitment arena, deference to qualified professionals is necessary because of their specialized knowledge and the specific circumstances and risks inherent in a mental hospital. Therefore, such professionals and institutions can only be held liable for infringements on liberty interests when the decision by a professional is a substantial departure from accepted professional judgment, 457 US 307 (1982).

I think for decades the Supreme Court has been overturning appeals and addressing many issues the United States face in a very efficient and fair manner. The Supreme court is well needed in our government, otherwise, topics such as abortion, biracial marriage, segregation, rights of the mental ill, etc. would still suffer. Legislative law has a very biased perspective and I say this because for decades, the African America population lived in fear, segregation and unfortunately inferior to white Americans. Much like the African American population, the mentally ill population did not have much of a voice so during these times challenging the lower courts were not ideal.

Change in this case, will begin in the Executive branch. As stated earlier in this paper, the executive branch executes legislation. Politicians including the President act in the executive branch. With the president's influence and power, I strongly believe as a part of being leader of the free world one of his responsibilities would be to advocate the rights and the voice of people who may have trouble finding or voicing their concerns. If I were able to have direct access to the president, I would advocate cracking down on both public and private prisons to ensure state mandates are not only being followed and sustained but I would want to evaluate the programs and health system within the facility to ensure prisoners are receiving the appropriate evaluations, care, and services. I would be interesting in traveling to ensure these standards are meant,

and even going one step further to converse with inmates of all tiers, race, mental health stability and offender status to ensure all have equal and fair treatment. Every facility is different so my goal would be catering to the individuality of each facility.

Should standards not be met, which is a common problem today, I would propose to amend laws to further prosecute officers and personnel that abuse their power and chose to do less than the job requires. This policy would also take affect with medical staff that under performs as well. Ethics play a huge part of behavior. Ethics are the personal principles that govern a person's behavior so if the personal beliefs oversee the professional code of conduct, you run into several issues. This unfortunately is the revolving problem of the United States and the Criminal Justice System.

### **Chapter 3: Implications, Recommendations, and Conclusions**

Ultimately my research demonstrates how imperfect the criminal justice system is, but it also sheds light on opportunities of growth. Change begins with you and I. Addressing problematic behaviors and conditions early on will change our prison systems drastically. Children understand what they are feeling or experiencing to a certain degree. Providing attention and concern towards erratic behaviors and patterns first establishes the idea of concern and support. When someone is experiencing trauma or battling an internal fight within themselves it takes understanding and compassion to even begin to understand this individual's story.

Since Covid-19 emerged, therapy and counseling has been encouraged worldwide because of the sudden change in societal culture. In the blink of an eye, everyone was mandated to stay in-doors for an extended period. Research demonstrated, depression was on the rise because of this mandate. Ironically, being segregated from the world and forced to stay in one place (our

homes) increased the percentage of persons with depression and anxiety. This is what persons suffering from mental illness experience within jails/prisons. Sitting in small cells, and later moved to even smaller spaces due to solitary confinement ignite very similar feelings of anxiety and depression. With lack of resources to quickly accommodate these feelings, inmates have no choice but to sit and let these feelings and thought manifest because solitary confinement prohibits human interaction or freedom of any kind. This includes very necessary visits to medical.

As a society, we need to do a better job with understanding the world we live in. Healthcare, the criminal justice system, and mental illness are all areas of life people know exist but do not bother to understand the foundation. Without proper knowledge, each aspect goes misunderstood and underrepresented. The mental health population is one that people do not understand unless they, themselves experience it or are a caregiver to someone else with a mental illness. I too, can honestly say I did not understand mental health until I grew older. Education is key.

As I mentioned early on, patrol officers should undergo training on how to properly conduct themselves during an encounter with someone suffering from mental illness as well as incorporate a crisis team that responds to these incidents to avoid further confrontation. When officers approach a situation, they are unfamiliar with, with persons they do not understand, their fear grows stronger, leading to weapons drawn when studies only prove this behavior makes matters worse.

## **Conclusion**

Too often, people feed into societal timelines and opinion. Success in my opinion is only obtained from persistence and integrity. Being true to yourself and willing to push the boundaries

of your comfortability determines how far you will go in life. The same idea is applied towards incorporating adequate knowledge and training towards the mental health population. Extensive knowledge and understanding are displayed through officer's actions and response mechanisms.

Enrolling in this program was one of the best things I could have done because it tested my patience, vulnerability and understanding. It also has taken me out of my comfort zone to recognize my purpose. I now have full understanding that I do not have to be a police officer to make a difference. Advocation begins with the passion and strength to stand for what you believe in. The mentally ill population inside and outside prison systems are that passion.

It is never too late to begin anything in life. The passing of my grandmother who suffered from mental illness has inspired me throughout this program to set my focus towards the mentally ill population to give them a voice. It does not matter where you begin, it is where you finish. This program has identified and confirmed my passion. And has granted me the opportunity to begin the research to embark on the next chapter of my life. Beginning this chapter at 30 is no different than embarking at 20 years of age. Knowledge is key. It has taken all my experiences to this day, to understand the importance of having confidence in yourself to overcome and achieve all which life has in store.

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