

# Mental Health and Criminal Justice



## STATE JUSTICE INSTITUTE IMPROVING THE JUSTICE SYSTEM RESPONSE TO MENTAL ILLNESS

A Fact Sheet  
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## Mental Illness in Jails: A Fact Sheet

Jails are the largest providers of mental health services across the country, with evidence that in 44 states, a jail or prison holds more mentally ill individuals than the largest remaining state psychiatric hospital.<sup>1</sup> In fact, a 2017 report from the Bureau of Justice Statistics noted that 44% of jail inmates and 37% of prisoners have previously been told by a mental health professional that they had a mental health disorder.<sup>2</sup> Approximately 20% of inmates in jails and 15% of inmates in state prisons<sup>3</sup> are now estimated to have a serious mental illness<sup>4</sup> (SMI). Additionally, about 74% of state prisoners and 76% of local jail inmates who had a mental health problem also meet criteria for substance dependence or abuse.<sup>5</sup> Young people with serious emotional disturbances in need of treatment are also seen regularly in the nation's justice system, with an estimated 70% of justice-involved youths suffering from a mental health disorder.<sup>6</sup> These numbers highlight that mental illness is overrepresented among justice-involved individuals when compared to 2018 estimates<sup>7</sup> that:

- Approximately 19% of adults are living with a mental illness in the United States
- Approximately 4.6% of adults had SMI in the previous year
- Approximately 17% of youth (6-17 years) experience a mental health disorder

### Problems associated with having individuals living with mental illness in jails and prisons

- Those with mental illness and SMI cycle through systems due to a lack coordination and care between county and state correctional facilities and behavioral health systems.
  - People with multiple arrests were 3 times more likely to have a serious mental illness (25% vs. 9%) and 3 times more likely to report serious psychological distress, including symptoms of depression and anxiety, than people with no arrests in the past year (30% vs 11%).<sup>8</sup>
  - In Miami-Dade County, Florida, 97 individuals with SMI who repeatedly cycled through their systems cost taxpayers \$13 million in criminal justice costs over five years.

<sup>1</sup> Treatment Advocacy Center. Criminalization of mental illness. Arlington, VA; 2018. <https://www.treatmentadvocacycenter.org/key-issues/criminalization-of-mental-illness>

<sup>2</sup> Bureau of Justice Statistics. *Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-2012*. Washington, D.C.; 2017. <https://www.bjs.gov/content/pub/pdf/imhprpj1112.pdf>.

<sup>3</sup> Treatment Advocacy Center. Serious Mental Illness (SMI) Prevalence in Jails and Prisons, Arlington, VA; 2016. <https://www.treatmentadvocacycenter.org/storage/documents/backgrounders/smi-in-jails-and-prisons.pdf>.

<sup>4</sup> The Substance Abuse and Mental Health Services Administration (SAMHSA) defines Serious Mental Illness as someone over 18 having (within the past year) a diagnosable mental, behavior, or emotional disorder that causes serious functional impairment that substantially interferes with or limits one or more major life activities. Find more information at <https://www.samhsa.gov/find-help/disorders>.

<sup>5</sup> James DJ, Glaze LE. *Mental Health Problems of Prison and Jail Inmates*. Washington, D.C.; 2006. <http://www.bjs.gov/content/pub/pdf/mhppji.pdf>.

<sup>6</sup> Development Services Group Inc. *Intersection between Mental Health and the Juvenile Justice System*. Washington, D.C.; 2017. <https://www.ojjdp.gov/mpg/litreviews/Intersection-Mental-Health-Juvenile-Justice.pdf>.

<sup>7</sup> Center for Behavioral Health Statistics and Quality. *Key Substance Use and Mental Health Indicators in the United States: Results from the 2018 National Survey on Drug Use and Health*. Rockville, MD; 2019. <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf>.

<sup>8</sup> Jones, A., & Sawyer, W. (2019). Arrest, release, repeat: How police and jails are misused to respond to social problems. Retrieved from <https://www.prisonpolicy.org/reports/repeatarrests.html>

- Incarcerating individuals living with mental illness is costly<sup>9,9</sup>
  - National or state-level data that quantify the role and cost of individuals with SMI on law enforcement and corrections is largely non-existent but inmates with mental illness cost more than other prisoners for a variety of reasons, including increased staffing needs, the cost of psychotropic medication, and even the cost of settling or losing lawsuits stemming from the treatment of mentally ill inmates.
- Individuals with mental illness stay in detention longer<sup>10</sup>
  - One reason that individuals with MI stay longer than other prisoners is that many find it difficult to understand and follow jail and prison rules. Research has shown that jail inmates with mental illness may be twice as likely to be charged with facility rule violations than other prisoners.
  - Individuals who require an evaluation or restoration of competency to stand trial may face long delays or wait-lists for services. In some states it was reported that some mentally ill inmates 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.
- A lack of adequate mental health and substance abuse treatment, resources, and training<sup>11</sup>
  - When asked about training relating to individuals living with mental illness, a survey of jail staff found that almost half of the jails reported that only 2% or less of the initial training they provide to their staff and sheriff’s deputies was allotted to issues specifically dealing with seriously mentally ill inmates, and 60.4% reported that only two hours or less of annual training were allotted to such issues.
  - Approximately 45% of jails reported that treatment for seriously mental ill inmates is offered inside the jail and 42% of jails reporting offering pharmacy services.
- Inmates living with mental illness are more likely to be abused, attempt, and commit suicide
  - State prisoners who had a mental health problem were twice as likely as state prisoners without to have been injured in a fight since admission (20% compared to 10%).<sup>3</sup>
  - Suicide is the leading cause of death in correctional facilities, and multiple studies indicate as many as half of all inmate suicides are committed by the estimated 15% to 20% of inmates with serious mental illness.<sup>2</sup>

<sup>9</sup> Treatment Advocacy Center. Crisis in Search of Data: The Revolving Door of Serious Mental Illness in Super Utilization. Arlington, VA; 2017. <https://www.treatmentadvocacycenter.org/storage/documents/smi-super-utilizers.pdf>.

<sup>10</sup> Treatment Advocacy Center. Serious Mental Illness (SMI) Prevalence in Jails and Prisons, Arlington, VA; 2016. <https://www.treatmentadvocacycenter.org/storage/documents/backgrounders/smi-in-jails-and-prisons.pdf>.

<sup>11</sup> Public Citizen’s Health Research Group and The Treatment Advocacy Center. Individuals with Serious Mental Illnesses in County Jails: A Survey of Jail Staff’s Perspectives. 2016. <https://www.citizen.org/wp-content/uploads/migration/2330.pdf>.