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## Access to Treatment for Mentally Ill Persons

*Mental Health is a topic that has been an issue of concern for many reasons, particularly associated with the incarceration of these individuals. Current and past policy implemented have and continue to ensure individuals suffering from mental illnesses have rights that are protected. Other initiatives have been taken to provide recovery-oriented treatment for young individuals who have recently experienced psychotic symptoms and aids them in continuing employment or school enrollment, while maintaining healthy relationships and achieving goals.*

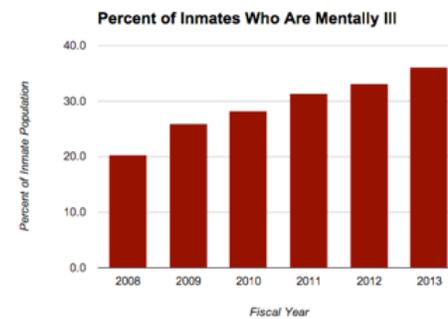
### Scope of the Problem

In the 1950s, the United States experienced a decrease in public psychiatric hospitals as a result of attempts to deinstitutionalize mentally ill persons (Correctional Association of New York 2015). This, consequently, led to increased chances that a mentally ill person would be living in communities with little access to treatment (National Institute of Corrections 2015). This limited access to treatment ultimately led to large numbers of mentally ill persons encountering the criminal justice system (National Institute of Corrections 2015).

According to a 2012 report by the Treatment Advocacy Center, there are 356,268 prisoners with mental health problems in U.S. prisons and jails (Swanson 2015). Similarly, the New York State Office of Mental Health identified over 8,000 individuals in prisons requiring mental health treatment (Correctional Association of New York 2015). This important issue has led to discussions regarding what programs can be developed to treat mentally ill persons before they enter the criminal justice system.

### Past Policy

Past court cases and legislation have outlined specific guidelines granting mentally ill persons with specific rights. The Supreme Court Case, *Estelle v. Gamble* (1976), ultimately ruled that prison inmates have a constitutional right to mental health treatment, according to the 8th Amendment (Cornell University Law School 2015). This case also stated that “prison guards can not intentionally deny or delay access to medical care or intentionally interfere with the treatment once prescribed” (Cornell University Law School 2015).



Another piece of legislation that ensured protective rights for mentally ill persons was the Mentally Ill Offender Treatment and Crime Reduction Act in

2004. This act encouraged collaboration between mental health facilities and prison systems by awarding grants to a multitude of programs including mental health courts, community reentry services, cross-training of criminal justice and mental health personnel, training for local law enforcement on how to identify and safely solve encounters with people who struggle with mental illness. (The Council of State Governments 2015). The grants could be used for multiple activities including implementing and maintaining the programs previously listed. (The Council of State Governments 2015).

## Current Policy

Current policy has been implemented to ensure mentally ill persons are guaranteed specific rights to protect the safety of themselves and others. Current policy includes the SHU (Special Housing Units) Exclusion Law. Because solitary confinement, can result in “intense suffering and severe psychological debilitation” (Correctional Association 2015), the SHU Exclusion Law is a New York State law that

requires that “persons with a serious mental illness who face disciplinary confinement that could exceed 30 days be diverted to a Residential Mental Health

Treatment Unit that includes therapeutic programming and mental health treatment” (Correctional Association 2015).

Another program helping those who suffer with mental illness is the initiative OnTrackNY. OnTrackNY is a collaboration between New York

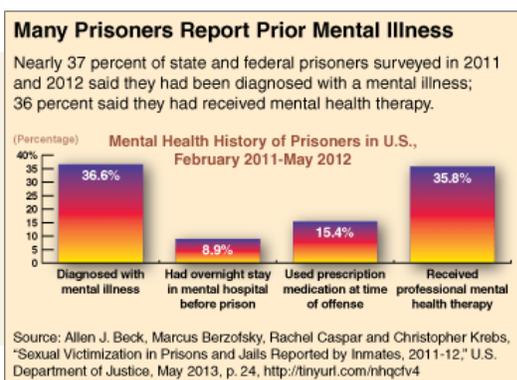
State Office of Mental Health and the Center for Practice Innovations at Columbia Psychiatry. Their goal is to “[provide] recovery-oriented treatment to

## MENTAL HEALTH SERVICES IN SCHOOLS Possible ways forward

- Increase resources for school health services
- Provide systematic guidelines for staff in school health services
- Raise awareness among teachers
- Build strong links with child psychiatric services and schools

young people who have recently begun experiencing psychotic symptoms” such as “unusual thoughts and beliefs, disorganized thinking, or hallucinations” (Office of Mental Health 2015). The program serves young adults ages 16 to 30. “OnTrackNY follow[s] principles of care which include shared decision making, youth friendly and welcoming environments and flexible accessible recovery oriented services” (Office of Mental Health 2015). This program aims to “[help] young people stay in school or stay employed while learning how to manage their illness” and “achieve their goals for school, work, and relationships” (Office of Mental Health 2015).

It is imperative that these programs exist in order to help individuals suffering from mental illness live successful and fulfilling lives. Without these programs, these individuals would be left vulnerable to putting themselves in danger, as well as, others. This would ultimately lead to their potential incarceration and the possibility of them receiving cruel punishment due to their mental illness.



## Policy Options and Recommendations

### Establish Mental Health Courts

Establish appropriate Mental Health Courts and crisis intervention teams to prevent mentally ill people from being incarcerated (Treatment Advocacy Network 2014, 103). With 343 adult mental courts functioning in 43 states, these courts have proved to be successful by getting those with “serious or persistent diagnosable mental health illnesses” enrolled into treatment programs instead of encountering the criminal justice system. With this, these courts are able to reduce the potential for future offenses.

### Support Prevention Programs

Develop statewide programs such as “civil commitment” or mental health courts in “[communities] to eliminate barriers to treatment for individuals too ill to recognize they need care so they receive help before they are so disordered they commit acts that result in their arrest” (Treatment Advocacy Network 2014).

### Medicaid Expansion

Expand health reform of outreach and enrollment of individuals who suffer with mental illness through Medicaid. It has been proven that individuals experiencing new symptoms will be reached more effectively through their health provider rather than general outreach campaigns. (National Alliance on Mental Illness 2014).

## Key Organizations

The three organizations listed below all aim to help those with mental illness gain specific, but fundamental rights, aiding them to lead productive, normal, and fulfilling lives. The organizations range from government organizations, non-profit organizations, and private organizations.

- **The New York State Office of Mental Health:** This organization operates psychiatric centers across the state, as well as, overseeing, regulating, and certifying over 4,500 programs. These programs are operated by nonprofit organizations and local governments. The programs vary in their outpatient and inpatient programs, community support, residential and family care programs, and emergency programs (Office of Mental Health 2016).
- **The National Alliance on Mental Illness (NAMI):** As one of the nation’s largest grassroots mental health agencies, this organization aims to build better lives for the millions of individuals who are affected by mental illness. (National Alliance on Mental Illness)
- **The New York State Psychiatric Institute (NYSPI):** This organization was founded in 1895 and was one of the first institutions in the United States to incorporate research, teaching, and therapeutic approaches to aid patients with mental illness. The NYSPI has been a driving force in psychiatry and has made major contributions to understanding the mentally ill and providing clinical care (New York State Psychiatric Institute 2015).

# Glossary of Terms

SHU: Special Housing Units are high security sections incorporated in the prison. Inmates are sent here if they pose a threat or danger to other inmates if they were to be left in the general population of the prison.

Psychological Debilitation: The weakening state of the mind. May cause irrational or severe emotional thoughts.

Estelle v. Gamble: Ruled that the neglect of health treatment to prisoners constituted as cruel and unusual punishment and is therefore, a violation of an individual's 8th Amendment right.

Civil Commitment: is a legal mechanism in which a court orders treatment for an individual with severe mental illness who meets pre-established criteria (Treatment Advocacy Center).

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## Community Policy Institute

The Community Policy Institute builds capacity surrounding policy within the Capital Region. We provide researched-based policy information to our community partners who use the information to modify best practices and advocate for policies that will further the development and effectiveness of direct community engagement.

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