

Behavioral Health: Decriminalization of Mental Illness and Substance Abuse

Position Statement approved by One Voice: November 14, 2008

Issue/Concern: Throughout the nation, the failure to provide adequate and accessible behavioral health care in the community has resulted in a disproportionately high number of individuals incarcerated in our jails and prisons due primarily to behavioral health problems, either mental illness, substance abuse or both. In Harris County, jail inmates with mental illness would fill every bed in the state hospital system. More needs to be done to follow the principles of a concept called justice reinvestment – spending dollars on treatment and supports rather than incarceration.

Specific Policy Recommendation(s):

- ★ Address the need to provide discharge planning, services and supports to help reintegrate inmates into the community, including increased funding for community supervision.
- ★ Support the training and adequate reimbursement of qualified treatment providers to build the capacity in the state to respond to the need for treatment rather than incarceration.
- ★ Provide increased services for the large majority of inmates who have co-occurring disorders by increasing capacity for integrated treatment of both substance abuse and mental illness.

How does this issue/recommendation relate to prevention and early intervention or maximizing federal funds for health and human services? Last session, the Legislature recognized that Texas is at a turning point in its capacity to build and staff prisons. It appropriated significant new money in justice reinvestment with more than \$200 million in new substance abuse treatment through Texas Department of Criminal Justice. On another front, \$82 million in new funding for mental health crisis treatment through Texas Department of State Health Services is in part intended to keep people with mental illness out of the criminal justice system.

This initiative for justice reinvestment needs to be continued and refined to prevent unnecessary incarceration of people with behavioral health issues. If the new treatment initiatives are to succeed, it will be important to address the needs for continuity of care when individuals who have received treatment while incarcerated are released so that gains made can be maintained with community support.

Supporting Facts/Research/Resources:

- ★ When inmates with mental illness diagnoses are connected to services upon release, recidivism decreases, according to a pilot study of MHMRA, Health Care for the Homeless and the Harris County Sheriff's Department. Recidivism for those in the program was 30 percent, compared to 47 percent in the general population and 67 percent among mentally ill offenders.
- ★ Every day more than 18 to 20 percent of the Harris County jail population receives psychiatric medication. The jail population in fall 2008 is about 12,000 each day.
- ★ In Harris County, there are few programs for individuals with co-occurring disorders, including those in the criminal justice system. Given that a national estimate of jail and prison inmates reveals that 72 percent have a co-occurring disorder, this leaves thousands of inmates with mental illness unable to access substance abuse treatment. In Harris County, 34 percent of inmates with mental illness were identified as low-level drug offenders, about the same percentage as found in the general population.

Contact: Leslie Gerber at 713.456.0822 or lsgerber@comcast.net