Deinstitutionalization

By: Devan Montgomery
After visiting a jail and discovering what poor conditions the mentally ill prisoners were living under, Dix spent two decades travelling state to state exposing how the mentally ill were abused in jails and prisons. This lead to 30 states building asylums so the mentally ill could be taken out of jails. By 1900 every state had a mental institution.
What Went Wrong

- Patients were committed by relatives, so the system was abused
- In 1903, state mental hospitals held 144,653
- By 1950, that number had reached half a million
- Something had to be done
The discovery of Thorazine in the 1950s changed how the mentally ill were forever treated.

On October 31, 1963, President John F. Kennedy signed a national mental health law to construct a national network of community mental health centers.

These neighborhood clinics would come to replace state hospitals.

One Flew Over the Cuckoo’s Nest
So, in 1955, some 560,000 Americans were being treated for mental problems in state hospitals.

Today there are fewer than 55,000 in them.

Nearly 300,000 are in jails and prisons.

Another half million are on court-ordered probation.
Video #1

- [https://www.youtube.com/watch?v=NGY6DqB1HX8](https://www.youtube.com/watch?v=NGY6DqB1HX8)
- Start at 4:40
- End at 7:15
Discussion Question #1

- Imagine the following scenario:

- A young man breaks into your house, rummages through your cabinets before going upstairs and goes from bathroom to bathroom turning on the taps. After checking the bedrooms and finding no one is around, he strips and takes a bubble bath.

- What legal action would you want taken?
Mike’s Story

- What if he was mentally ill with schizoaffective disorder?
- Would that change what legal actions you take?
Mike's Story

- Mike had his first psychotic episode his senior year of college.
- He was first diagnosed with bipolar disorder, but would later be diagnosed with schizoaffective disorder.
- Virginia law states that unless a patient is in imminent danger to himself or others, doctors can't treat him unless he voluntarily agrees to be treated.
- Therefore, doctors wouldn't treat him because he was an adult with the right under the law to refuse treatment.
- He was being faced with two felony warrants.
The prosecuting attorney was willing to reduce the two felony charges to two misdemeanors as long as Mike gave up his right to trial.

It was his first offense, he clearly wasn’t thinking clearly, and he was now enrolled in a day treatment program.

The mother of the family that fell victim, however, wanted to see Mike suffer....she wouldn’t reduce the charges.

This meant that Mike would forever be labeled as a felon, and it would make it difficult for him to pursue his life goals.
The victims had called the prosecutor’s office the night before his plea asking for a continuance.

The prosecutor had refused to reschedule, so if the victims didn’t show up for court, there was a chance the prosecutor would let Mike plead to the two misdemeanors.

That’s exactly what happened.
Life after the case

- Mike struggled to find a job because no employer wanted to be held accountable for a mentally ill person, and/or they had restrictions about people on probation.

Most recent update:
- Mike continues to take his antipsychotic medicine.
- He finally landed a job that has healthcare benefits and allowed him to become financially independent.
- He has plans of moving out on his own again to attend graduate school.
Pete Earley

- Journalist for 30+ years
- Reporter for Washington Post
- Author of several nonfiction books about crime and punishment and society
Mentally ill are housed on the ninth floor, aka “the forgotten floor”

Suicidal prisoners were kept naked

Temperature inside the wing is kept chilly – below 50 degrees

The air smells like a blending of urine, expectorant, perspiration, excrement, blood, flatulence, and dried and discarded jailhouse food

Average amount of time psychiatrist spends with the 92 inmates on the floor – 12.7 seconds
A defendant in a criminal case has to be competent enough to aid in his own defense and has to understand the charges against him otherwise he can’t be put on trial.

So judges send defendants to the hospital to be treated, then they get sent back to the jails to await trial.

Once here, most will stop taking their meds, and by the time they reach the bench they have to be sent back to the hospital.
In order to save taxpayer money, jails have resorted to first prescribing Risperdal to all mentally ill patients before any other treatment.

This is a problem because Risperdal doesn’t treat all types of mental illnesses.

So even when patients are willing to take medications, they are receiving cheaper treatment that isn’t as effective as the meds they were receiving at the hospital.

This also contributes to people getting stuck in the endless cycle.

Example: James Edward Tucker.
Ted Jackson

- One of the inmates Earley decided to shadow
- He had been diagnosed with bipolar disorder while serving in the military
- He was arrested for graffiti—God had given him a revelation, he told him that Jesus would be returning in 2007 so he had been writing Jesus 2007
- The cops who arrested beat him up, giving him a black eye. They told him they were going to teach him a lesson and hit him while he was handcuffed
- This was never reflected in the police report
Current Solutions

- Eleventh Judicial Circuit Court Criminal Mental Health Project
- National Alliance for the Mentally Ill (NAMI)
- Treatment Advocacy Center (TAC)
- Crisis Intervention Team (CIT) – future presentation
Eleventh Judicial Circuit Court
Criminal Mental Health Project

- Founded by Judge Steven Leifman

- Under this program, a mentally ill inmate was supposed to be diverted from the jail into a local community treatment center within 48 hours after he was arrested.

- After three to seven days of being “stabilized” they would be brought back into court, and most of the time the charges were dismissed as long as they promised to continue getting psychiatric help.

- However, this program could only be used for inmates who committed misdemeanor crimes, which only accounted for a small number.
More work from Leifman

- Developed a computerized system to track mentally ill offenders who were on probation

- If one of them stopped attending a day treatment program or didn’t pick up his monthly supply of antipsychotic medication, the monitoring system would alert the court, the social workers, and the “super case manager” so they could intervene before the parolee got into trouble and was arrested again
NAMI

- Founded by Rachel Diaz and Judy Robinson
- Generally the first group that parents contact when mental illness strikes
- Each woman hosted monthly support groups
- Diaz focused on the latest scientific studies, she didn’t like offering members advice about their personal problems
- Robinson, on the other hand, didn’t mind telling her group members exactly what they needed to do
Treatment Advocacy Center (TAC)

- Founded by Dr. E. Fuller Torrey
- Challenged involuntary commitment and treatment laws
- They use stories of the mentally ill to open the eyes of the public and get outpatient statutes enacted
- Kendra’s Law
Baker Act

- A 1972 law that spelled out when a person could be forced into a mental hospital
- The first step was persuading a judge that a defendant was ill
- Then the police took the defendant to a hospital where over the next 72 hours he was examined by two doctors, if they agreed he was impaired, a formal Baker Act hearing would be scheduled
- Question to be answered: “Was a defendant in imminent danger of inflicting serious harm to himself or someone else?”
- Example: Freddie Gilbert
Frustration with the Baker Act

- Dr. Morton Birnbaum came up with a “right to treatment” theory
- His goal was to force the states to begin treating these patients’ illnesses
- However, it brought up the question of, “If a state couldn’t lock up a person because he was mentally ill, then at what point could he intervene?”
- Answer: Lanterman-Petris-Short Act of 1967
Backfire

- His plan had backfired, he had set the stage for mental patients to be confined in the least restrictive manner possible.
- Parents could no longer compel their adult child to undergo treatment.
- Mentally ill persons had the right to refuse medical treatment, including the taking of antipsychotic drugs.
- Example: Joyce Brown.
Laws made too soon?

- All the civil rights protections that had been pushed through had been enacted before the federal government had determined that mental illness is caused by a chemical imbalance in the brain.

- New antipsychotic medications also had been developed that were effective in alleviating symptoms without making a patients suffer a lobotomy or other dangerous procedure.

- Were the civil rights safeguards passed two decades before still needed? Or was it time for them to be reexamined?

- What do you think?
Progress

- Baker Act reformed – with this new statute judges were given permission to involuntarily treat mentally ill patients if they had a history of violence or multiple hospitalizations

- On November 2, voters passed a $3 billion municipal bond issue in Miami-Dade County

- Leifman received $22 million – with this he requested to move the mentally ill out of the jail and into a holding facility specifically designed for handling disturbed prisoners
A note from the author

- https://www.youtube.com/watch?v=fbgAww67oG4
- Stop at 3:30
Discussion Questions

- One of the biggest issues with getting mentally ill help is that they have the right under law to refuse treatment, do you believe that if a person is found mentally ill and is experiencing a psychotic episode, doctors should be able to force treatment anyways?

- What do you think should be done to better our current mental health care problem? Should we reopen institutions, or should we change how they are treated in the legal system? Any new ideas?