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# Saks Institute evaluates the criminalization of mental illness

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Rikers Island Correctional Facility. Los Angeles County Jail. Texas State Penitentiary. Today they are considered the largest psychiatric facilities in the country.



**Photo:** Professor Elyn Saks stresses the importance of treatment not punishment for people with mental disorders. (Photo/Courtesy of USC Gould School of Law)

“This is a national scandal and national tragedy,” said USC Gould School of Law Professor Elyn Saks at the Criminalization of Mental Illness symposium. “We need to find alternatives to this transinstitutionalization. People with mental disorders should get treatment not punishment.”

The two-day event, which was organized by the **Saks Institute for Mental Health Law, Policy and Ethics** [<http://weblaw.usc.edu/centers/saks/>] at USC, brought together nearly a dozen scholars, government officials, professionals and a judge, all who are making significant contributions to decriminalizing mental illness. More than 350 people attended the symposium, which also addressed such topics as jail diversion programs, juvenile justice and reducing the risk of recidivism.

Richard Bonnie, director of the University of Virginia’s Institute of Law, Psychiatry and Public Policy, gave the keynote address, “In the Shadow of Tragedy: Is it Possible to Control the Message?” Bonnie, who served as chairman of Virginia’s Commission on Mental Health Law Reform following the 2007 shootings at Virginia Tech, has long advocated for improvements in community mental health services. He has also led an effort to build a strong legal foundation for a recovery-oriented system of care and to enact innovative legislation.

“I think we understand fully what the problems are,” Bonnie said. “The question is how do we move the ball forward on the ground? We need to identify the best practices and develop the necessary cross-system coordination. We have done that in Virginia and tried to go community-by-community. We have tried to galvanize movement and sustain the reforms.

“Getting the message right and trying to stay on message and get organized is key,” he continued. “You have to be in this for the long run. I’ve been at the center of the storm because of the shooting at Virginia Tech.”

Clinical psychologist Stephen Mayberg, former director of the California Department of Mental Health, spoke about “Policy, Practice and Perception: Implications in the Criminalization of the Mentally Ill.”

During his 17 years with the department, Mayberg embarked on major initiatives to reform the mental health system. He noted that confusion continues to exist in the minds of the public, policymakers and sometimes even professionals when it comes to actions made by people struggling with mental health disorders. These include behaviors that result from being under the influence of drugs and alcohol, and behaviors that “simply result from bad decisions as though they were all the same thing,” he said.

“The unfortunate effects of this confusion most notably increase stigmatization of

people with mental illness as though crime and danger were a common result of their situation,” Mayberg said. “It is important for us to focus on this matter of category errors in today’s conversation about the criminalization of mental illness because these errors confuse professional dialogue, impede problem-solving in both our justice and treatment systems, and create false public perceptions.”

Youth and teens suffering from mental illness face their own unique set of challenges — especially when they wind up in the justice system. Linda Teplin, professor at Northwestern University Feinberg School of Medicine’s Department of Psychiatry and Behavioral Sciences, spoke about psychiatric disorders of youth in detention and the implications for criminalization.

“Our findings highlight the unanticipated consequences of deinstitutionalization,” she said. “Jails were never intended to be mental hospitals. And police were never intended to be the street corner psychiatrist.”

Judge Steven Leifman of the 11th Judicial Circuit Miami-Dade County Court said that transforming mental health systems is crucial. Constructing a comprehensive and competent criminal justice system that considers mental health and substance abuse treatment is key. a

“Every day our courts, jails and law enforcement agencies are witness to a parade of misery brought on by untreated mental illnesses,” Leifman said. “There is something terribly wrong with a society that is willing to spend more on imprisoning people with mental illnesses than to treat them.”

Next year, the Saks Institute will turn its attention to mental health and its impact on university students. It will hold a panel discussion in the fall and host a two-day symposium in the spring. For more information, visit

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