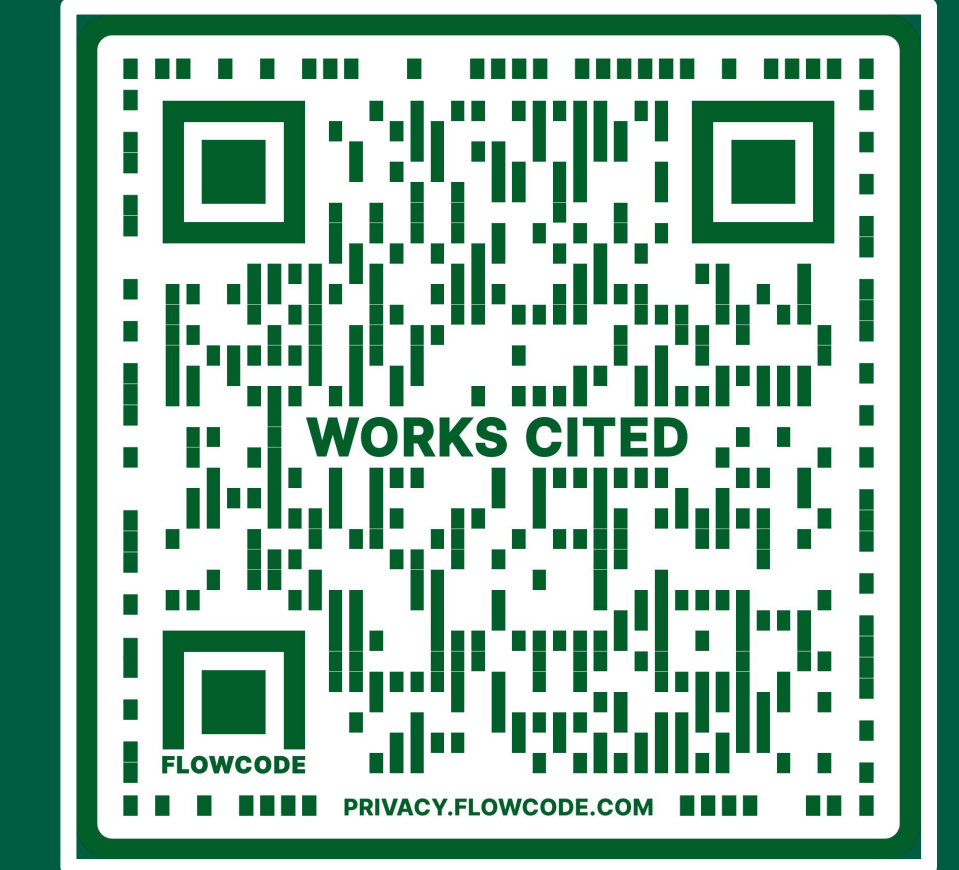


Resolutions to Reality:

The Truth About Human Rights for the Mentally Ill in Prison

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Methodology

This research relied on human rights analysis of US laws, international documents, scholarly articles and journals, and empirical case studies of US prisons.



Legal Framework

United Nations General Assembly Resolutions: Principles of Medical Ethics

- Health personnel have a duty to provide prisoners with treatment to the same quality and standard as

Basic Principles for the Treatment of Prisoners

- No discrimination for prisoners in access to health services

US Law:

US Constitution: 8th Amendment

- No cruel and unusual punishment

Estelle v Gamble (1976)

- Cruel and unusual punishment = deliberate indifference to illness

Wilson v Seiter (1991)

- Eighth Amendment only violated by deliberate indifference and unnecessary and intentional infliction of pain

How does increased criminalization & neglect of the mentally ill in U.S. prisons correlate to increased recidivism?

Findings: Criminalization

1930	1.3% of a group of inmates was psychotic at the time of arrest
1980	Most state mental hospitals closed in favor of community care
late 1980s	The Managed Behavioral Health Care Organization cut funding on community care
1990	Washington v Harper: more flexible requirements for medication in prison (cheaper) Percentage of inmates with mental illness skyrockets
1995	13-27% of state prisoners suffer from severe mental illness 19 out of 31 states report disproportionate increase in seriously mentally ill inmates - DC: increased by 30% - Mississippi: 50%
1998	The number of Americans with serious mental illness in prisons is 3x the number hospitalized (NAMI)
1999	1 in 5 prisoners are mentally ill (American Psychiatric Association)
2000	74% increase in mental health caseload since 1991 (New York State Prisons)
2003	Percentage of inmates with mental health problems (Bureau of Justice): - State prisons: 56% - Federal prisons: 45% - Jails: 64%
2005	

Findings: Neglect

- Only 1 in 3 inmates with mental illness receive treatment
- Prisons are failing to take inmates to their medical appointments
 - From December 2020-January 2021, Rikers Island Prison prevented inmates from appearing at their medical appointments (including for mental illnesses)

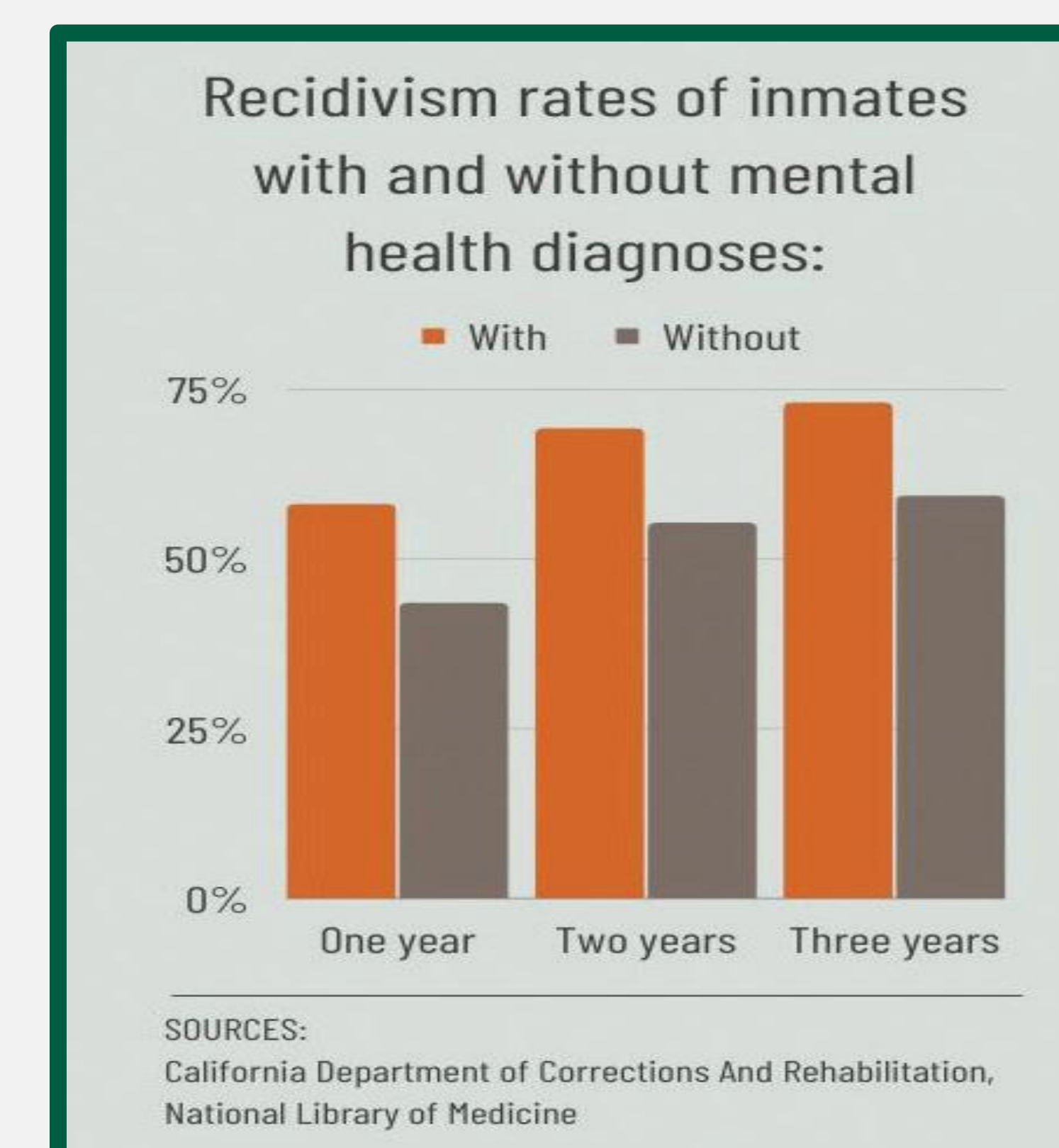
Findings: Recidivism

2018 Bureau of Justice Statistics:

Percent of prisoners rearrested 2005:

- within 3 years= 68%
- 30% increase from 1980
- Within 9 years= 83%

46% (nearly half) of prisoners return to prison (are reconvicted) within 5 years of release



Link Between Mental Illness and Recidivism

- Negative and significant correlation between mental health and recidivism; **the better one's mental health is, the lower the odds of recidivism**
- In 2002, the President's New Freedom Commission found that across the country the **mental health "system's failings lead to unnecessary and costly disability, homelessness, school failure, and incarceration."**
- **Higher likelihood for recidivism in mentally ill state prisoners**
 - 61% of mentally ill prisoners have current or past violations
 - 47% of those are violent recidivism (3 or more prior offenses)

Conclusions

- No adequate funding for community mental health services = mentally ill in criminal justice system
- Needs and grievances of the mentally ill in prisons neglected and not protected by law
- Federal programs have forced mentally ill inmates into prisons without outlining specific and effective protections for them
- Criminal justice system cannot serve as a correctional facility— fails to rehabilitate inmates, especially the mentally ill
- Increase in recidivism
- **Inmates with mental illness have a higher likelihood to return to prison** because federal programs force them into prison, and fail to facilitate their rehabilitation

Limitations

- Did not consider underreporting as a factor to low incarceration rates of the mentally ill prior to the late 1990
- Longer sentences and improvements for mental health screening and diagnosis of prisoners may have skewed data on increase in incarcerated mentally ill