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Improving the Mental Health care in the Criminal Justice System

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Abstract

Mental Health is a huge problem that continues to rise around the world in the 21st century. After the COVID-19 pandemic, people are suffering from more stress, anxiety, depression, suicidal thoughts, and countless other conditions than ever before from young to old. With one out of 100 American adults are incarcerated (which is more than people incarcerated compared to other nations such as nations in Europe and China) most of these adults are suffering. According to a study done by the American Psychological Association, with about 64 percent of jail inmates, 54 percent of state prisoners, and 45 percent of federal prisoners in US prisons are reported to be struggling with mental health concerns since many of these prisoners are not getting the treatment that they need or end up getting caught in the criminal justice system instead of the mental health system. With other continents such as Africa and Europe advocating for mental health reforms in prisons and providing resources for these prisoners to make sure that when these prisoners reenter back into the real world, they are more prepared to face the world more healthily. Throughout this paper, I will be researching what exactly goes on in the prison system when it comes to mental health, why are these prisoners struggling or end up in the criminal justice system instead of the mental health system, and what are some of the ways that the United States can improve the relationship between mental health and the criminal justice system.

Introduction

In recent years especially because of all of the current events going on such as the COVID-19 pandemic and all the social/political movements that have caused rises in people struggling with mental health issues such as anxiety or depression. With the United States having one of the highest incarceration rates in the world, it has created a public health crisis, especially with prisoners' mental health. One of the problems that are going on with this crisis brings up the question of how prisoners are being treated in the prison system especially when it comes to their mental health. According to a report done by the Department of Justice, they found that 37 percent of prisoners have a history of mental health problems, with about 17 percent having a bipolar disorder, 13 percent with a personality disorder, and 12 percent with post-traumatic stress disorder¹. With people who are being brought into the criminal justice system increasing daily, it makes us ask the question of whether or not they should belong in prison due to their mental state, and depending on the crime they did would being in prison be the best option for them or should the criminal justice system be resorting them to other places.

A Brief History of the Prison System

Before we dive into the actual problem that is in the prison system, it is important that we first understand the history of the prison system in the United States. Back in 2017, there were about 20 million people incarcerated in the United States which is the highest rate in the entire world², but with this knowledge, how did incarceration rates ever become this high, that is why we must examine the history of how prisons operated. Prisons have long been around since the beginning of the United States. During the Colonial eras, the United States had prisons to put people in when they committed a political or religious crime against the government at the time. To skip ahead, prisons were not officially established until 1891, under the "Three Prisons Act," which Congress passed³. According to the actual act, it stated that prisons should be located in "one-north, the other south of the thirty-ninth degree of north latitude and east of the Rocky Mountains, the third site to located west of the Rocky Mountains, and the same to be located geographically as to be most easy of access to the different portions of the country⁴." This act allowed for the funds to be moved to build facilities that would later become prisons, and according to section 2, "the act appropriated \$100,000 "to be expended under the direction of the Attorney General, in the fitting of workshops for the employment of the prisoners." This meant that any goods or supplies that are produced by the prisoners would be only for the government

¹ Stringer, Heather. "Improving Mental Health for Inmates." Monitor on Psychology. American Psychological Association, March 2019. <https://www.apa.org/monitor/2019/03/mental-health-inmates>.

² Al-Rousan, Tala, Linda Rubenstein, Bruce Sieleni, Harbans Deol, and Robert B. Wallace. "Inside the nation's Largest Mental Health Institution: A Prevalence Study in a State Prison System." BMC Public Health 17 (2017): 1, <http://ezproxy.liberty.edu/login?url=https%3A%2F%2Fwww.proquest.com%2Fscholarly-journals%2Finside-nation-s-largest-mental-health-institution%2Fdocview%2F2348430150%2Fse-2>.

³ Harry Elmer Barnes, "Historical Origin of the Prison System in America," Journal of the American Institute of Criminal Law and Criminology 12, no. 1 (1921): 35-60

⁴ Bosworth, Mary. "Three Prisons Act 1891." In Encyclopedia of Prisons & Correctional Facilities, edited by Bosworth, Mary, 963-64. Thousand Oaks, CA: SAGE Publications, Inc., 2005. <https://dx.doi.org/10.4135/9781412952514.n351>.

⁵ IBID

to use and that it would be manufactured by without any machinery. When this act passed, it created three prisons, Fort Leavenworth, in 1895 which was the first federal civilian prison, Atlanta in 1902, and McNeil Island in 1909⁶. Once these prisons were built, they started operating and had limited oversight under the Department of Justice. A couple of years later in 1930, the Federal Bureau of Prisons (FBP) was established under Congress⁷.

Nearly 40 years after the Three Prisons Act was passed, the FBP was created so that they can regulate the functions of what was going on in prisons and correctional institutions that were a part of the federal government⁸. They also expanded prisons and had more administrative control of prisons. Four years later, Congress passed another act that establish the Federal Prison Industries (FPI) which they would operate factories such as textiles furniture manufacturers, and military apparel just to name a few that would employ prisoners which helped them improve in their education and vocational skills so that after these inmates would get released from prison, they would return to society and live in a crime-free lifestyle⁹.

With these new programs, it did help stabilize prison numbers for the first couple of years, and this program did help prisoners reestablish themselves back into society, but a couple of years later after this program was established, inmate numbers started to go on a constant roller coaster in the number of inmates throughout the decades especially around cities until their growth in the 80s and 90s. In 2004, under the Bush administration, due to the new Department of Homeland Security being created, the budget had to shift funds from the criminal justice area to the more homeland security and counter-terrorism sectors. This resulted in reduced funding for prisons and shifted the federal government's focus from domestic prisoners to international criminals or terrorists¹⁰ which caused a slight increase in violence within prisons which ultimately resulted in more oversight and stricter reforms in prisons.

There has been both good and bad in the prison system, but ultimately at the end, conditions between the 1930s and present-day have gotten better through time, and there have been some efforts in controlling prison establishments, but the real question is whether the treatment of inmates and whether they have been getting the proper health services that they need to be taken care of as well.

A Brief History of Mental Health in the Prison System

When prisons began to operate, along came the inmates, and that's when concerns about their physical and mental well-being began to rise. According to a study done by BMC Public Health, they have stated that "As a result, there are now ten times more individuals with Serious Mental Illnesses (SMI) in prisons and jails than there are in state mental hospitals."¹¹ To

⁶ IBID

⁷ Roberts, John W. "The Federal Bureau of Prisons: Its Mission, its History, and its Partnership with Probation and Pretrial Services." *Federal Probation* 61, no. 1 (03, 1997): 53-7, <http://ezproxy.liberty.edu/login?url=https%3A%2F%2Fwww.proquest.com%2Ftrade-journals%2Ffederal-bureau-prisons-mission-history%2Fdocview%2F213983228%2Fse-2%3Faccountid%3D12085>.

⁸ IBID

⁹ IBID

¹⁰ "Federal Bureau of Prisons." BOP. Accessed February 11, 2022. <https://www.bop.gov/about/history/timeline.jsp>.

¹¹ Al-Rousan, Tala, Linda Rubenstein, Bruce Sieleni, Harbans Deol, and Robert B. Wallace. "Inside the nation's Largest Mental Health Institution: A Prevalence Study in a State Prison System." *BMC Public Health* 17

understand why this has occurred, we must examine how did this even happen in the prison system. When someone enters into prison, often when they see a doctor or dentist, it is the first time they would receive help or see a professional that would look after their health. Before the 1970s, there were bare to no medical treatments in prisons. If a prisoner had gotten injured in a fight or gotten sick while serving their sentence, they would not receive too much help or they would not even receive the help they would need since the person that would be providing the service had little to no medical training since these people would either be guards or even other prisoners¹². The majority of the time, most hospital staff would not even have a registered nurse on staff which meant that these prisoners would not get the best care for themselves, with no medical care it is a violation of human rights law. This ultimately resulted in the federal courts getting involved. Since the courts saw that most of the conditions in the prison were gross since there was no basic hygiene. One of the court cases that were fundamental to establishing good conditions in prisons is the case of *Holt v Sarver* which was a US district court decision in the state of Arkansas¹³. This case challenged all the practices and conditions that were going on in prisons and how they were a violation of the 8th amendment under the cruel and unusual punishment clause¹⁴. The court did learn that prisoners were not getting the proper treatment that they needed when they needed it which caused more court cases to go against prisons.

Another court case that was fundamental to establishing medical care in prisons was the case of *Estelle v Gamble* was formed in 1976¹⁵. The respondent, in this case, claimed that the prison violated his eighth amendment right under the cruel and unusual punishment clause since he injured his back while he was doing prison work, but the petitioner claimed that the respondent was lying and that all the illnesses that he was facing weren't true¹⁶. Ultimately the court sided with the petitioner since the court believed that "reasonably commensurate with modern medical science and of a quality acceptable within prudent professional standards"¹⁷ and that medical personnel did give the respondent proper treatment since they saw him 17 different times in 3 months. The court did learn that some of the people were not getting the proper treatment they need which resulted in more medical treatments being placed in prisons. Since this court case occurred, in the 1970s, professional medical organizations began to come into prisons which meant that prisoners now had primary care such as physicians, nurses, pharmacists, and physician assistants¹⁸. This gave prisoners more livable and allowed them to receive the treatment that they need especially in correctional systems since they developed specialized facilities to care for prisoners that are suffering from mental illnesses¹⁹.

(2017): 1, <http://ezproxy.liberty.edu/login?url=https%3A%2F%2Fwww.proquest.com%2Fscholarly-journals%2Finside-nation-s-largest-mental-health-institution%2Fdocview%2F2348430150%2Fse-2>.

¹² McDonald, Douglas C. "Medical Care in Prisons." *Crime and Justice* 26 (1999): 427–78. <http://www.jstor.org/stable/1147690>.

¹³ IBID, 435

¹⁴ *Holt v. Sarver*, 300 F. Supp. 825 (E.D. Ark. 1969), in Justia, <https://law.justia.com/cases/federal/district-courts/FSupp/300/825/1820796/> (Accessed February 6th, 2022)

¹⁵ *Estelle v. Gamble*, 429 U.S. 97 (1976), in Justia, <https://supreme.justia.com/cases/federal/us/429/97/#tab-opinion-1952035> (Accessed February 7th, 2022).

¹⁶ IBID

¹⁷ McDonald, Douglas C. "Medical Care in Prisons." *Crime and Justice* 26 (1999): 427–78. <http://www.jstor.org/stable/1147690>.

¹⁸ IBID, 428

¹⁹ IBID, 429

But since these services were starting to cause controversy especially in the 1970s and 1980s since the demand for healthcare services began to rise and people believed that prisons should not get free health care even if the courts argue that it is a constitutional right. But during this time, prisons were also starting to struggle with the costs since legislatures or governors would diminish the cost of health care which would ultimately result in limiting medical services which would limit the number of mental health services for prisoners made it harder to get doctors in prisons²⁰. According to one physician in a New York Prison, stated

The paucity of resources and staff also affected how mental health care was provided. It was impossible for the psychiatrists to provide other than an occasional consultation and direct supervision when a true crisis occurred. Some 40 percent of the inmates had requested appointments, but it took months before an inmate could be seen, and most were not seen at all unless a crisis arose. ... Because of the great need among inmates in the area of operational and emotional distress, the medical department has, over the years, developed a procedure in sick call which compensates, but in an eventually damaging way, for the lack of psychiatric availability.²¹

This meant that these prisoners would not be receiving the proper treatment that they would need to stay mentally sane, and prisons thought that the courts would come after them because they would not be providing the adequate treatment prisoners needed. So, some prisons began to offer mental health services out of their prison budgets instead of the government's aid, but prisons that could not add that service to their budget could not provide that resource to their prisoners²². Prisons did not start to implement mental health services until 2004 when the National Commission on Correctional Health Care (NCCHC) started creating standards for mental health services which would not be implemented until 2008²³. Since then they have incorporated a little bit more mental health services into prisons, which gave prisoners more resources when it came to taking care of their mental health.

The Current Situation

Since the beginnings of the prison system, healthcare has improved greatly and there has been a lot of reform such as the creation of new organizations that would advocate for prisoners' health and court cases that would establish health care for prisoners as a fundamental constitutional right and these regulations would help improve quality of life in prisons drastically. There is still a lot of work that needs to be done for prisoners to have the same treatment compared to others outside of the criminal justice system. To understand the full scope of what is going on in the criminal justice, we must ask different questions to see exactly what is going on in each area especially what is going on currently in the 21st century when it comes to mental health awareness and mental health reforms in prisons.

²⁰ IBID, 438

²¹ New York State Special Commission on Attica 1972, pp. 70-71

²² McDonald, Douglas C. "Medical Care in Prisons." *Crime and Justice* 26 (1999): 427-78.

<http://www.jstor.org/stable/1147690>.

²³ "NCCHC Historical Time Line." Historical Time Line. Accessed February 11, 2022. <https://www.ncchc.org/time-line>.

How do officers treat people they arrest

Officers, in recent years, have been doing a better job of treating individuals suffering from mental illness. Officers' main jobs are protecting the wellbeing of the general public from whatever threat is coming their way. Especially more recent times, officers have been responding more and more calls to people who are struggling with mental illnesses because unfortunately, more and more people in society are starting to lose their tolerance for people struggling with mental illnesses²⁴. According to a police handbook, it states that

Police involvement with mentally ill persons is grounded in two common law principles: (1) The power and responsibility of the police to protect the safety and welfare of the public, and (2) *parens patriae*, which dictates protection for disabled citizens such as mentally ill persons.²⁵

This means that officers do not want to hurt anyone and that they would want to help these people out as much as they can. Officers do have a choice on what to do with people suffering from mental illness, they could either transport that person to a mental hospital or resolve the matter informally or arrest them²⁶. According to the Bureau of Justice, when officers are in their training and standardized test section, they receive training on how to be better equipped and better qualified and learn skills such as how to deescalate the situation so that when it comes to encountering those struggling with mental illness²⁷. There is also something called a Crisis Intervention Team (CIT) which whose job includes a 40-hour curriculum that is taught in five consecutive days that emphasizes the understanding of mental illness and teaches officers way how to communicate with them more efficiently since the course is taught by mental health professionals²⁸. They must also take an eight-hour first aid mental course, which helps officers better understand mental illnesses and addictions while also teaching officers what steps they must take to deescalate incidents without compromising their or any of their fellow officers' safety²⁹.

Unfortunately, there have been troubling statistics when it comes to officers and dealing with mentally ill individuals outside of the training. According to a study that was being done in 2015 by the Treatment Advocacy Center, someone with an untreated mental illness is 16 times more likely to be killed by a police officer³⁰. This is a shocking statistic since many police officers are trained to help a civilian in trouble, but at the same time, it is important to recognize that officers need to look out for themselves and if they believe that their life or their fellow officers' lives are in danger, they must do whatever means that they can including shooting someone to protect the community. According to another study that was being done, it is very unfortunate to see that non-peaceful resolutions to an encounter are more common than peaceful

²⁴ <https://www.ojp.gov/pdffiles1/jr000244c.pdf>

²⁵ IBID

²⁶ IBID

²⁷ <https://bja.ojp.gov/program/pmhc/training>

²⁸ IBID

²⁹ IBID

³⁰ Lopez, German. "How America's Criminal Justice System Became the Country's Mental Health System." Vox. Vox, March 1, 2016. <https://www.vox.com/2016/3/1/11134908/criminal-justice-mental-health>.

resolution in the United States³¹. In one story that resulted in tragedy, two parents Gregory and Sigrid Lambert of New Hampshire lost their son Harrison who suffered from a borderline personality disorder and schizoaffective disorders back in 2015³². According to Gregory and Sigrid, they said

Harrison started having a mental breakdown, and he threatened me with a knife — two times. The second time, I was in the house, trying to blockade him from coming into my bedroom. I said that I'm going to wait until his mother comes home. [At the time, Harrison responded that he will "take care of her" when she does.] I said, well, I need to get help here.

So I made the call, per what the mental health counseling service told me to do, to call 911.

After roughly about two minutes, the police were here. I was still inside, talking to the 911 dispatcher. During that time, I heard about four shots. I ran out the door, and Harrison was laying on the ground.³³

This heartbreaking story just shows how even with all the learning techniques, officers are still having a hard time figuring out how they should be treating individuals struggling with mental health. Sometimes officers would use a taser on them or shoot them instead of deescalating the situation. Ultimately, in the end, the New Hampshire Union Leader reported that the shooting is justified since the victim had a knife³⁴, and this makes us ask the question where the line is when it comes to the law and the safety of officers. This makes us question whether or not the system has responded to the mental crisis only after it's too late, because with situations going on like the story from New Hampshire, what would happen to others if something similar would occur to them.

How do People Struggling with Mental Health end up in the Prison System

The way that these people end up is very heartbreaking. According to a study that was done by the National Alliance on Mental Illness (NAMI), they found that about 2 million people with serious mental illness get admitted into prison because police officers and other law enforcement officials are usually the first ones to get called in when it comes to a mental health crisis³⁵. Since half of the time officers know what to do to and the other half of the time do not know what to do, which is where most of the problems occur when figuring out what they should do for those individuals.

Another reason why people struggling with mental health end up in the criminal justice system is that there are not too many places to bring them. Back in the 1970s, there was a big push towards deinstitutionalizing individuals with mental health issues which means that they wanted to shut down asylums and institutions that housed these individuals with mental

³¹ IBID

³² IBID

³³ IBID

³⁴ IBID

³⁵ Sheppard, Sarah. "What Are the Mental Health Effects of Leaving Prison?" Verywell Mind. Verywell Mind, August 29, 2021. <https://www.verywellmind.com/mental-health-effects-facing-former-inmates-5195312>.

illnesses³⁶. During that time people believed that closing down these institutions would help people go to a place such as hospitals to treat their illnesses. Most people did not understand that during this time, there was not a lot of government funding when it came to replacing these institutions and as a result that caused more individuals struggling with mental health to end up in the prison system instead of a mental health facility. According to a study that was done by The Treatment Advocacy Center, the number of individuals with “serious mental illness” is now 10 times higher in jails than in state psychiatric hospitals³⁷. This means that since this is occurring, there need to be more people trained to work with these prisoners and find a solution that can help them out in their mental health and can be a long-term solution in the system.

What do prisons do with people struggling with Mental Health currently

One of the biggest reasons how people end up in the criminal justice system while they are struggling with mental health is that they could have an unexpected mental health episode. They are unpredictable and sometimes there can be warning signs sometimes there are not and since most people do not understand that it can occur, it can often involve law enforcement which causes people to be placed in prison instead of a mental health facility³⁸. According to a study that was done by NAMI, about 83 percent of jail inmates do not even have access to crucial treatment when they are struggling with mental health³⁹.

Most of the inmates that are locked up in prisons that are struggling with mental health are not even violent criminals. They have only committed low levels of crimes but the reason why they end up being locked up is that officers have no idea where else to put these individuals in since they are oftentimes not prepared for the situation⁴⁰. Oftentimes putting these individuals in prisons often causes more harm than good since those individuals do not want to be in prison and would rather negotiate on a solution instead of not having no say when it comes to deciding where they should be placed. Especially since sometimes guards and other prison officials do not even know if these people are struggling and without any kind of acknowledgment, it causes people to suffer from their mental health in silence without getting the help they need. On top of that, a prisoner may be thinking about and feeling different emotions such as when they get to prison, they are stripped of their identities, they get separated by their loved ones, and just being in that prison environment just causes more harm than good to their mental health.

Another thing to note is that according to a study that was done by the American Psychological Association, 64 percent of incarcerated individuals in jails, 54 percent of incarcerated individuals in state prisons, and 45 percent of incarcerated individuals in federal prisons have inmates struggling with mental health concerns, with about 10-25 percent of those individuals having “serious” mental illnesses⁴¹.

Especially since most individuals that end up in the prison system often do not have support in prisons, when they get released oftentimes, they go back to the same ideals there were

³⁶ Amy Morin, LCSW. “How Being in Prison Might Affect Your Mental Health.” Verywell Mind. Verywell Mind, April 21, 2021. <https://www.verywellmind.com/menta-health-effects-of-prison-5071300>.

³⁷ IBID

³⁸ Stringer, Heather. “Improving Mental Health for Inmates.” Monitor on Psychology. American Psychological Association, March 2019. <https://www.apa.org/monitor/2019/03/mental-health-inmates>.

³⁹ IBID

⁴⁰ IBID

⁴¹ Amy Morin, LCSW. “How Being in Prison Might Affect Your Mental Health.” Verywell Mind. Verywell Mind, April 21, 2021. <https://www.verywellmind.com/menta-health-effects-of-prison-5071300>.

when they first came to prison. There have been programs such as Transition from Jail to Community under the National Institute of corrections that have helped prisoners develop skills that they could use outside of prison⁴², but in these programs, there is not too much mental health awareness which causes most of these prisoners to continue to suffer from mental health even after they get released. With systems such as solitary confinement, and just overall painful experiences in prison can cause lasting health effects on their mental health and could even develop some illnesses such as Post-Traumatic stress disorder (PTSD) or anxiety or depression, or other conditions for some people⁴³.

How is the government addressing these issues?

In the past, the government has created a lot of reforms such as implementing the prison system and reforms to improve the conditions in prisons, in this past and the current administration, they have done a couple of things for mental health in the prison system. In the past, mental health has been miserably underfunded in the United States and it is usually left to the criminal justice to pick up all the broken pieces and try to put them together.

In the last administration, the Trump administration, created a plan so that his administration and congress can provide a solution. Under the National Association of Social Workers, they launched a Consensus Workgroup on Behavioral Health Issues in Criminal Justice, and their job was to promote the issue of the criminal justice system and mental health, and what the federal government should be doing to provide aid⁴⁴. One of the ideas that were proposed was that the government could provide more funding when it comes to providing these services⁴⁵. They would like for more aid for these prisoners to be provided so that when they leave prison, they can get the necessary help and treatment that they would need so that they can have a lower risk of reentering into the criminal justice system⁴⁶.

One piece of legislation that was passed in December of 2018 under the Trump administration passed the First Step Act⁴⁷. Under this act, it was a bi-partisan effort that would improve the criminal justice outcomes, one of the ideas they would do is reduce the population of the federal prison. Some of the other reforms that would come out of this legislation include having the Attorney General consult an Independent Review Committee (IRC), and some of the tasks they would complete includes Conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act; Developing recommendations regarding evidence-based recidivism reduction programs and productive activities; Conducting research and data analysis on evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools; Advising on the most effective and efficient uses of such programs; and which evidence-based recidivism reduction

⁴² <https://nicic.gov/projects/transition-from-jail-to-community>

⁴³ Sheppard, Sarah. "What Are the Mental Health Effects of Leaving Prison?" Verywell Mind. Verywell Mind, August 29, 2021. <https://www.verywellmind.com/mental-health-effects-facing-former-inmates-5195312>.

⁴⁴ "National Workgroup on Behavioral Health and Criminal Justice." American Psychological Association. American Psychological Association. Accessed February 10, 2022. <https://www.apa.org/advocacy/criminal-justice/workgroup>.

⁴⁵ "Consensus Working Group - American Psychological Association." Accessed February 10, 2022. <https://www.apa.org/advocacy/criminal-justice/consensus-working-group.pdf>.

⁴⁶ IBID

⁴⁷ "Federal Bureau of Prisons." BOP. Accessed February 11, 2022. <https://www.bop.gov/inmates/fsa/overview.jsp>.

programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and reviewing and validating the risk and needs assessment system⁴⁸. This act would allow for prisoners to have more attention when it comes to looking out for their health and with all the evaluations, it would allow for more treatment plans to be available to these prisoners especially those suffering from substance abuse or any mental illnesses.

In this current administration, the Biden administration, one of his campaign promises includes

“Expand federal funding for mental health and substance use disorder services and research. People experiencing mental health problems and substance use disorders should have access to affordable, quality care long before their situations escalate, and they interact with the criminal justice system. The Biden Plan will expand health insurance coverage so more Americans have access to treatment, ensure enforcement of mental health parity laws, and expand funding for mental health services. In addition, Biden will double the number of psychologists, counselors, nurses, social workers, and other health professionals in our schools, so our kids get the mental health care they need⁴⁹.”

This means that the Biden administration would like to help people that are suffering from mental health by researching and providing more options for treatments to treat those with mental health. Biden would also like to implement more mental health services in schools so that they can start educating and looking at us for students at an early age so that when they are older, they know where to go when it comes to seeking help with their mental health.

What are some of the policy changes that the Criminal Justice can Implement

Some things that prisons should implement that would make mental health for inmates better would have to start with more officer training. As previously stated, even if officers do have a certain number of hours for training, there needs to be more training so that there can be less tragedy when it comes to a mentally ill person’s life. The majority of the time, officers get trained to do the complete opposite of what they are supposed to do instead of helping that individual out. One of the ideas that were proposed was having more training when it comes to de-escalating the situation and finding other means to deal with the situation so that fewer fights can break out in prisons.

Another factor that would help is that if family members or close friends would be checking up on those people struggling constantly to make sure that that they are still doing well because if people were getting the proper care they would need, law enforcement would not need to be called in which could help reduce the number of tragedies that could occur.

Another thing that is being done is research about people in prison and their mental health state. According to Professor Robert Morgan Ph.D., he created a program called “Changing Lives and Changing Outcomes” and his main mission with this program is to address

⁴⁸ IBID

⁴⁹ “Joe Biden's Criminal Justice Policy: Joe Biden.” Joe Biden for President: Official Campaign Website, October 2, 2020. <https://joebiden.com/justice/>.

the antisocial aspects of someone and help them be more open to talking about their mental health so that he can help them get out of the criminal justice and seek more help instead of going back⁵⁰. He believes that these people are struggling even more when they are being thrown into the criminal justice system, so he would rather find a way to help these people out instead of seeing them struggle even more in the criminal justice system.

Something else that can be done is starting preventative action in the local and county jails. This means that in these smaller places that there can be resources when it comes to looking out for someone under suicide watch and these resources can help them with suicide prevention⁵¹.

There is so much that organizations could advocate for but one of the biggest things that the government could do that would help change prison reforms would have to be more research and funding that would have to be done to understand the issue at hand to a greater extent. With previous efforts from other administrations' attempts, there would still need to be more funding for research so that professionals under the full scope of the problem and agencies would come up with better solutions. If the government wants to get involved with the prison system, they will need to start funding their prisons even more so that they can have more resources to provide to their inmates.

Conclusion

Mental health has been a very progressive topic that people have begun to prioritize in their daily lives, and it is important that as a society, we look out for everyone's mental being including those who are in the prison system. There is hope within the mental health sector of the criminal justice system. With all the research that is being done, with all the policy changes that have occurred or are about to occur, and with changing mindset of the next generation of professionals the help that people are going to want, and need are coming soon and are going to help change the DNA of mental health in the criminal justice system in the United States. Even with prison rates continuing to rise and mental health rates rising along with that, there have been many developments since the 1930s when the prison system was first developed.

All the court cases that occurred in the late 1960s and early 1970s did help develop more sanitary conditions within prisons and did discover that if prisoners did not receive any medical attention when they needed it, it would be a violation of the 8th amendment right under the cruel and unusual punishment clause. Since that time there has been research that has been done when it comes to understanding what are guards doing when it comes to the treatment of prisoners.

But even with all this research, it is still very heartbreaking to see that some officers do not know what the best way is to treat someone when they encounter someone that is suffering from mental illness. This just shows why it is important that the government acts and people advocate and research on ways to help people struggling with mental illnesses since this will benefit society as a whole.

⁵⁰ Stringer, Heather. "Improving Mental Health for Inmates." *Monitor on Psychology*. American Psychological Association, March 2019. <https://www.apa.org/monitor/2019/03/mental-health-inmates>.

⁵¹ "Consensus Working Group - American Psychological Association." Accessed February 10, 2022. <https://www.apa.org/advocacy/criminal-justice/consensus-working-group.pdf>.

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