

# CRIMINAL MISUNDERSTANDING

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Photo by Amanda Leung

I open my newspaper to read about the overcrowding of California's prisons, and the Little Hoover Commission recommendations for addressing the crisis. Then I consider the following situation.

My 46-year-old sister is mentally ill and a severe alcoholic. At this writing, she is in jail, for the 30<sup>th</sup> or 40<sup>th</sup> time. Beginning when she was 16 years old after a shoplifting incident at Nordstrom, some of these incarcerations have lasted for months. Her crimes, generally committed while she is drunk, range from harassment to DUIs to psychotic episodes during which she has tried to shoot people or attacked them with knives, her fists or motor vehicles, sometimes causing severe injury. She has been diagnosed with bipolar disorder, but probably has an underlying personality disorder or other illness. She left home at 14 to live with our mentally ill father, which added environmental stressors to the likely biochemical source of her illness.

My sister's ability to work is sporadic. Were our family not supporting her, she would be homeless and without income. She lived with a boyfriend for a while, but that ended last fall when she threatened him and he obtained a restraining order. She currently resides at a hotel, when not in jail.

Our family members and close friends have written to and talked with judges, prosecutors and public defenders during her previous trips to jail, explaining that she is mentally ill, and begging them to exercise their power to send her to a mandatory residential program where she can detox, receive a psychiatric evaluation and start an appropriate regime of medications. We have outlined a promising new treatment – Dialectical Behavioral Therapy – for the personality disorder she exhibits, and located a program nearby. We have consulted with the professionals at the local mental health services to pave the way for her admission, and offered to help with the cost of treatment.

The response we have encountered from the criminal justice system, in Central Oregon's Crook County, is frankly reminiscent of the Dark Ages. The judges seem to be operating on a standard deterrence-based approach, sending our sister to jail repeatedly, on the theory that this experience will teach her not to commit the crimes in which she habitually engages.

We have explained that being mentally ill means that her mind does not work this way. Incarceration is a meaningless detour

for her. Without appropriate psychiatric treatment and medications, she is unable to recognize the cause/effect relationship of her behavior and being jailed. She refuses treatment on her own, because she does not believe she is ill.

After a few dozen cycles through the criminal justice system, one would think those in charge would comprehend that something other than standard criminal behavior is going on with our sister, and mandate a psychiatric evaluation and treatment. Instead, there is a Kabuki dance where the judges send her in and out of jail, admonishing her to attend AA or other programs on her own, which she is far too mentally disorganized to attend or benefit from. Either those in the criminal justice system in Central Oregon missed Psychiatry 101, or there is some darker flaw in the system.

The last time my sister was released from jail, the only way our family found out about it was at the moment she was ejected, through an electronic notification we had signed up for on the web site *Vinelink.com*. We then scrambled through our cell phone network to find her, luckily not yet on the street but still at the jail calling around to find someone to take her in, and rented a hotel room for her.

In our final conversation with our sister's public defender, last December, while dodging our plea for mandatory evaluation and treatment, he told us we had three options. We could take steps to commit our sister, let her become homeless or buy her a house in which to live. The only one of these options that addresses her illness is commitment. The courts already have that power, and the likelihood that they would agree to commit her at our family's request is not high if they refuse to do this when she is in their custody. Homelessness is not acceptable for a member of our family, so we have chosen the third option and have just purchased a small home in the town where she lives.

Ironically, the house is on Court Street, around the corner from the imposing stone courthouse where our sister's dozens of arraignments, hearings and sentencings occur. This will be handy for both her and the judicial system as she continues to bounce in and out of the jails and courts – sadly, of course, never receiving help toward a more stable, socially safe and productive life.

Now I understand one of the reasons our prisons are overcrowded. Ω