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## Second Opinion

If they are sick, why do we jail the mentally ill?

By [ANDRE PICARD](#)

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Imagine for a moment that one of the symptoms of breast cancer was an uncontrollable desire to scream obscenities and utter death threats to passersby, or if people with heart disease were prone to masturbating in public, and that those with arthritis developed a compulsion to shoplift.

What would we do? Build new women's prisons to ensure breast-cancer sufferers were punished for their transgressions? Construct new sex-offender wings to make room for the legions of people with cardiovascular disease? Jail every arthritic kleptomaniac until they smartened up?

Of course, we would never dream of filling jails with people who are already suffering from debilitating but treatable illnesses.

Yet, that is precisely what we are doing with far too many individuals suffering from mental illnesses including schizophrenia, bipolar disorder and severe depression.

The annual report of the Office of the Correctional Investigator of Canada, released earlier this month, revealed that at least one in eight federal prisoners has a diagnosed mental illness -- 1,500 of the 12,500 federal inmates. (There are many more prisoners in provincial jails.) The Correctional Investigator serves as an ombudsman for federal offenders.

Community groups estimate that the true number of prisoners suffering from mental illness is probably about one in five.

Regardless, federal penitentiaries -- and doubtless provincial jails -- have become, at least in part, de facto mental institutions.

While people with psychiatric conditions can commit criminal acts -- as can anyone -- many offenders are not responsible for their acts, so they don't belong in jail in the first place. And virtually none of the convicts -- whether deserving of jail or not -- are getting the treatment they need.

In jail, people suffering from mental illness are easy targets; they are vulnerable and

exploited. Take the case of Simon Marshall, a Quebec man suffering from developmental disabilities who spent eight years in prison for sexual assaults he did not commit. In prison, he was routinely sodomized and beaten by other prisoners to the point where he is now virtually catatonic with fear.

The very behaviours that get people with mental illnesses into trouble in the first place -- being loud and belligerent, refusing orders, anti-social acts, self-mutilation - make them disciplinary problems. They are sent to solitary confinement, which can exacerbate their symptoms. When they are released, without counselling or assistance, they are virtually doomed to reoffend, thus are trapped a vicious circle.

Correctional Investigator Howard Saper, in his report, noted that care for the mentally ill in prisons is abysmal. Their rights are violated and dignity denied. It goes without saying that this needs change.

But there is a more fundamental issue: The need to prevent the warehousing of the mentally ill in prisons.

There is a bit of folk wisdom that holds: "Give a man a hammer and everything becomes a nail."

In modern, progressive Canada, the tool we employ for dealing with the mentally ill is too often the Criminal Code rather than the Mental Health Act.

For almost three decades, provinces have had policies of deinstitutionalization, vowing to liberate the many lifelong patients of institutions for the mentally ill and the physically handicapped.

In the early 1970s, there were almost 50,000 psychiatric beds in Canada. Today, there remains probably only one-tenth of that number.

Deinstitutionalization was -- and remains -- a laudable approach. But implicit in the deal was that care must be provided in the community. Too often, that did not happen.

Psychiatric patients were not released into community care, they were just released. This has created an underclass of homeless and semi-homeless "crazy" people who have become fixtures on our streets, and in our jails.

Contrary to stereotypes, most people with mental illness are not violent (except perhaps to themselves). They are being swept up in the criminal justice system for egregious crimes including public urination, disturbing the peace, vandalism and drunken fights.

You can't blame police. They are armed with guns, batons, handcuffs and the Criminal Code. Judges, too, have limited options. There are some attempts at diversion, such as Mental Health Courts, and judges have the power to order psychiatric evaluations. But there is so little assessment capacity, so few beds, that people languish for months in

prison waiting to determine if they should be in the prison system.

Courts have already ruled that this practice is illegal and unconstitutional, but it persists.

We don't need a return of Dickensian mental institutions to hide away the crazies. We need a commitment to integration, to making people with psychiatric illnesses full citizens, with all the rights of citizenship.

Deinstitutionalization should not be synonymous with criminalization. We cannot accept that people be punished for being ill -- and mental illness is no exception.

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Letter to the Editor

Why we scream

From JAIME SMITH,

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Sidney, B.C. -- André Picard asks: If They Are Sick, Why Do We Jail The Mentally Ill (Nov. 17)? As a consultant psychiatrist in Whitehorse in the 1990s, I must agree with this sad situation. The majority of the prisoners I saw at the local jail certainly exhibited mental disorders, in most cases arising from **fetal alcohol syndrome**. I recall being told once by the warden, "There are only 10 real criminals in the Yukon -- the rest in here suffer from brain damage."