

Schizophrenia Society of Ontario¹

Position Statement: People with Mental Illness in Federal and Provincial Correctional Settings

Introduction

People with mental illness come in contact with the law at increased and disproportionate rates and are overrepresented in the federal and provincial correctional institutions¹. At the federal level, the prevalence of people with significant mental health issues has doubled in the last five years². Similarly, according to the provincial estimates about 15% of people in Ontario's correctional institutions require a clinical intervention for a mental illness and over the last decade, the number of remanded individuals with mental health alerts increased by 44.1%³. When compared to the general mental health population (hospitals, forensic and community mental health setting), people with mental illness who come in contact with the law have higher rates of concurrent substance use and are more likely to be homeless, unemployed and in need of greater social supports⁴. At the same time, in correctional settings people with mental illness are less likely to receive treatment and services⁵ and are more likely to be placed in segregation⁶. People with mental illness already encounter multiple social and systemic barriers⁷ and are exposed to a wide range of human rights violations⁸. These concerns are not limited to the individuals living with the mental illness but also have a devastating impact on their families and communities. As such this crisis requires urgent attention from both the Federal and Provincial authorities.

Discussion

The relationship between mental illness and criminal involvement is complex but often underlines a failure of the health system to intervene effectively by providing timely and needed mental health services and supports. People with mental illness often come into contact with the law due to their increased visibility in the community resulting from exhibiting nuisance or "strange" behaviors; negative stereotypes and misperceptions about their risk of violence⁹, and crimes which are directly or indirectly related to their mental illness and lack of treatments and supports¹⁰. Some individuals with mental illness are appropriately diverted out of the criminal justice system but not all are eligible for such mechanisms. Those who are ineligible can be

¹ Note: The Schizophrenia Society of Ontario is a non-profit province-wide organization with a mission to make a positive difference in the lives of people, families and communities affected by Schizophrenia and Psychotic Illnesses. Reaching over 30,000 people each year, we are the largest organization representing people affected by schizophrenia in Ontario. Since 2007, we have prioritized issues regarding criminalization of mental illness with a focus on advocating for system-level changes that benefit individuals and their families. In addition, we provide direct support to families of people with mental illness who are in contact with the law and our Justice and Mental Health program is the only program in Ontario with this unique focus.

criminally convicted, even if their mental illness played a role in the offence. In turn, legislative changes that support mandatory minimum sentences, increase penalties for drug-related offences and reduce judicial discretion may have a disproportionate impact on people with mental illness, with fewer being able to access to treatment and more being housed in correctional institutions.

Correctional facilities are not equipped to provide the necessary treatments and supports to people with a mental illness. As noted by the Correctional Investigator, “federal correctional mental health care services are under extreme duress—there are deficiencies in terms of capacity, quality, standards and responsiveness of care. Criminalizing and then warehousing the mentally ill burdens our justice system and does nothing to improve public safety”¹¹. These concerns are reflected at the provincial level as well with recent reports stating that due to capacity issues, “once incarcerated, individuals are unlikely to receive adequate treatment for their mental illness”¹².

On the contrary, for many people with mental illness correctional settings have detrimental effect not only on their mental health but their physical safety as well. Incarceration itself results in a tremendous amount of stress for people with mental illness and lack of appropriate treatment and supports can further exacerbate symptoms, impede recovery and undermine successful reintegration into the community¹³. Yet access to treatment and intervention services remains inadequate in most correctional institutions in Canada¹⁴. Evidence shows that in the absence of adequate mental health treatment programs, segregation often becomes the default “treatment” option. For people with mental illness being placed in segregation for extended periods of time has been shown to have a particularly devastating impact on their mental health¹⁵. Additionally, people with mental illness are at a high risk of being victims of violence with research showing that the annual incidence of violent crime against this vulnerable group is more than four times higher than the general population rates¹⁶. These numbers are even higher for people with mental illness in the correctional institutions. In combination, these factors are often associated with increased rates of suicide¹⁷ and physical harm for this vulnerable group.

Everyone has a right to health care, including people with mental illness who come in contact with the criminal justice system. Ongoing access to comprehensive and individualized treatment and supports is essential to mental health recovery and has been shown to decrease recidivism and increase chances of effective community reintegration. It is hence imperative to ensure that comprehensive mental health services and supports are available for all people in our criminal justice system.

Recommendations

The Schizophrenia Society of Ontario agrees with the recommendations put forth by the Canadian Psychiatric Association and takes the position that the federal and provincial correctional systems must enhance mental health services and supports for inmates, parolees and probationers. These include ongoing access to comprehensive and individualized treatments and supports such as psychiatric assessments, counseling, medication, peer support and social rehabilitation, as well as, assistance with social supports such as housing, education, employment and income. Specifically, the Schizophrenia Society of Ontario recommends that:

1. Provisions should be included in all relevant crime legislation that recognize the unique needs and circumstances of people with mental illness.
2. Federal and provincial governments should dedicate designated funding for the provision of comprehensive mental health treatments and services in all correctional settings.
3. All federal and provincial correctional staff should receive training on mental health and mental illness, with annual upgrade training sessions.
4. All inmates and remanded individuals should be screened for mental health concerns upon admission and reassessed during the time of incarceration.
5. All inmates and remanded individuals should have access to mental health treatments and supports in the correctional institutions and/or through collaboration with community mental health agencies and psychiatric hospitals.
6. Segregation should not be used for people with mental illness. In all other instances segregation should be used only as a last resort, for as short a time as possible, and for no longer than 60 days in a 12 month period.
7. All people with diagnosed and potential mental illness should have access to appropriate community-based mental health services and resources as part of their release and transition plans.
8. Family involvement should be encouraged and facilitated. Specifically, family communication protocols should be established at the correctional level and families should be provided with additional support to facilitate family integration and connection, from intake to release and involved in release and transition planning.
9. A national mental health strategy for people with mental illness in the criminal justice system should be further developed and implemented across federal and provincial correctional settings. This strategy should be evaluated and reviewed on a regular basis.

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