

MENTAL HEALTH & ADDICTION IN INCARCERATION

The Prevalence of Comorbid Mental Health Issues and Addiction Leading to Incarceration

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Abstract

This paper explores the prevalence of comorbid mental health issues and addiction that lead to incarceration in the United States. It examines current criminal justice policies that seek to combat the symptoms of these issues rather than the root problems. It then evaluates the recent punitive reforms and their ineffectiveness in reducing the prison population. The paper further considers policy alternatives, such as early intervention and widespread diversion programs. It provides recommendations to reduce the incarcerated population and recidivism in Mississippi, including the implementation of an evidence-based diversion program, to be known as the Mississippi Second Chance Program (MSCP), in each county jail. The MSCP will aim to treat mental health and addiction while teaching necessary education, life, and job skills.

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Introduction

You are in jail. Your worst nightmare has come true, and you have lost your most precious right as an American: freedom. You stare at the locked door that will not open no matter how long you cry or how loud you scream. Your head spins, and your body shakes uncontrollably, yet not from the anxiety of being locked in an eight-by-six-foot cell with a metal bed less than three strides to a matching metal toilet doubling as a sink. No, these tremors are from withdrawals. Your body is attempting to adjust as your brain struggles with your new chemical levels. The drugs in your system could kill you, but being without them makes you *feel* like dying.

Mental health and addiction are two issues that are often intertwined, especially in the criminal justice system. The prevalence of comorbid mental health and addiction issues has significantly increased the number of individuals incarcerated in prisons, jails, and other correctional facilities. Individuals who suffer from mental health disorders often turn to substance use to cope with their symptoms, leading to a cycle of addiction. At the same time, addiction can lead to mental health problems such as depression and anxiety. Current criminal justice policies combat the symptoms of these issues rather than the root problems.

This paper explores the prevalence of comorbid mental health issues and addiction that lead to incarceration. Mental health issues and addiction are two of the most significant contributors to incarceration in the United States. In this paper, we will begin by looking at the background of these issues and what policies put us on the fast track to mass incarceration. Next, we will evaluate the recent punitive reforms and their ineffectiveness in lowering the prison

population. Third, we will consider policy alternatives. Finally, we will consider recommendations to lower the incarcerated population and decrease recidivism.

Background of Policy

The United States has long been known for its strict approach on crime. Ridged policies implemented during “Tough on Crime” and the "War on Drugs" eras significantly impacted the growth of the nation's prisons, causing what is now known as "mass incarceration." This phenomenon caused devastating consequences for the United States putting the country on the fast track to overcrowded prisons and placing a massive financial burden on taxpayers.

Nixon declared the "War on Drugs" in 1971. The campaign focused on two main objectives: first, to reduce the supply of drugs through increased enforcement of existing drug laws, and second, to increasing public awareness of the risks of using drugs. The War on Drugs was a multifaceted effort, with federal, state, and local governments enacting harsh anti-drug laws and calling for the prosecution of people who had previously been considered low-level offenders. Despite its goals, the War on Drugs never impacted the use of drugs and is rather remembered for criminalizing drug use.

The most significant factor in the growth of incarceration can be traced back to the Reagan era. During the enactment of "tough on crime" policies, mandatory minimum sentences were introduced that require judges to impose a minimum prison sentence without allowing them to consider individual circumstances (Cheap on Crime, 2015). This most notable policy was introduced in 1984 with the passage of the Comprehensive Crime Control Act and has since expanded to include many other offenses (Ahn-Redding, 2018).

Background of Mississippi Policy

Over the last several decades, Mississippi has implemented several policies that have contributed to an increase in the incarceration rate, including harsh sentencing laws, the use of incarceration for minor offenses, and an overreliance on prisons as the primary form of criminal punishment. According to the Mississippi Department of Corrections (MDOC), the number of inmates is at an all-time high of 24,106 as of December 2022, representing an 11.4 percent increase in one year (Mississippi Today, 2022). This jump in incarceration numbers is a direct result of old-fashioned policies mentioned above that have had lasting effects. Mississippi now has prisons filled with inmates serving long sentences for nonviolent crimes.

Background of Mental Health Policy

Prisons lacked mental health services in the late 19th and early 20th centuries. Prisoners with mental health issues were often subject to cruel punishment, such as solitary confinement and chaining. This lack of treatment increased violence and suicide rates in prisons (Goffman, 1961). The civil rights movement of the mid-20th century helped to raise awareness of mental health issues and called for more humane treatment of prisoners with mental health disorders.

Current State of Policy

Policy Reforms

The “Tough on Crime” and “War on Drugs” directly impacted the current incarceration rate in America causing it to become the highest in the world, with an estimated cost per inmate exceeding \$30,000 annually (Ahn-Redding, 2020). The current state of policy to reduce incarceration rates focuses on a range of reforms, from providing access to education and job training to alternatives to incarceration. Many states and local governments have implemented

criminal justice reforms that emphasize prevention, diversion, and rehabilitation. These include reducing mandatory minimum sentences, expanding access to drug courts and mental health courts, and instituting other forms of community-based supervision, such as re-entry. A recent focus has also been on providing mental health services to those in prison, including counseling and medication.

Mississippi Reforms

According to the *Vera Institute of Justice*, Mississippi has implemented major reforms using various diversion programs like the passage of the Public Safety and Crime Prevention Act of 2020 and the Juvenile Justice Reform Act of 2021 (Liu, 2019). This program replaced Mississippi's limited drug court program, which was only available to individuals with a history of substance use, with "intervention courts" that are now accessible to veterans and people with mental health issues (Vera Institute of Justice, 2019).

Despite the success of these diversion programs, access is extremely limited. In Mississippi, only eight counties offer access to these diversion programs: Adams, DeSoto, Hinds, Lauderdale, Lee, Madison, Rankin, and Warren. Individuals must also meet extremely narrow criteria to be eligible for the programs, further limiting the number of people who can access them. According to the MDOC, there were a total of 18,262 individuals incarcerated in Mississippi in 2021. Of those incarcerated, approximately 4,000 individuals participated in Mississippi's diversion programs, meaning only 21.62 percent had access to the programs needed to help make changes in their lives.

Mental Health Reforms

In recent years, focus has shifted to mental health reforms. An example is the “Treat or Repeat” study which shows that providing mental health treatment inside prisons is important for reducing the rate of major crimes among individuals with serious mental illness (Treat or Repeat, 2017). The survey found that individuals with serious mental illness who receive community treatment are less likely to be arrested or convicted of a major crime than those who do not receive treatment, suggesting that providing mental health treatment inside prisons could help reduce crime rates among those with serious mental illness and improve their overall wellbeing.

Policy Alternatives

To make a meaningful reduction to the incarcerated population, it is essential to concentrate on the "front end" of the criminal justice system by focusing on widespread and early intervention. A comprehensive diversion plan will be based on current and active reforms already in place by the Mississippi Department of Corrections (MDOC), with the addition of being tailored for each community’s specific needs and providing a cost-benefit to local jails through earning potentials. Rather than continuing the trend of state and local governments paying to punish those who have broken the law, the “front end” diversion programs seek to break the cycle of addiction and mental illness by teaching core life skills in four major categories: mental health, substance abuse, education, and job skills.

Mental Health

Mental health treatment is a crucial component to lowering recidivism by providing individuals with the resources and support they need to address underlying mental health issues. “Lurigio et al. (2004) and Lurigio and Falloon (2007) proposed that assertive community treatment, adapted for use with prisoners, would be the best model to ensure engagement and

mental state stability are achieved prior to release from prison” (McKenna et al., 2015, p. 43).

Without appropriate services, mental health issues will continue to spiral out of control until the criminal justice system intervenes. There lies the opportunity to redirect individuals away from incarceration and into a diversion program that can provide them with the treatment needed.

Substance Abuse

Substance abuse treatment is a fundamental piece to a successful treatment plan for incarcerated individuals suffering from active addiction because it treats the core of the issue.

“Substance abuse specialists tackle the needs of nonviolent offenders such as counseling, hands-on situations and providing medical assistance that guides offenders” (Bailey, 2022). A study published in the *Journal of Criminal Justice* showed that the use of alternatives to incarceration had a positive effect on recidivism, with offenders having lower rates of returning to prison than those who did not (Baber, 2021). Through treatment, individuals can learn how to cope with triggers and reduce their risk of relapse, which can help to reduce recidivism.

Education

Education programs can help individuals gain the skills and knowledge they need to find employment and contribute to society, thus reducing the likelihood of reoffending. Programs like the GED programs can provide inmates the education they need to compete in the job market once they transition back into society. Leaving incarceration for society with an education will set inmates up for success rather than failure.

Job Skills

Diversion programs focusing on job skills can help inmates by providing them with the skills and knowledge they need to pursue a career after release. These programs can equip

inmates with the tools they need to find and maintain gainful employment, which can help to reduce recidivism rates and provide inmates with the opportunity to lead productive lives.

Corrections Commissioner Burl Cain was innovative and successful with job training programs when he served as superintendent of the Louisiana Penitentiary at Angola, that, “resulted in a three-year recidivism rate of 9.4% for those who finished the program compared with 34% for the average inmate” (Mississippi Today, 2022). If designed accurately, the programs that focus on developing job skills can also benefit not only the offender but also the jails and communities.

Recommendations

In order to reduce the incarceration rates in Mississippi, we must become proactive at the front end of the criminal justice system by making changes to our county jails. The Mississippi Department of Corrections (MDOC) already utilizes a comprehensive diversion plan, referred to as Pre-Trial Diversion. However, these programs could be more successful if tailored to the needs of each local community and expanded to be made available to more inmates in Mississippi rather than the few who currently qualify.

Mississippi is recommended to implement an evidence-based diversion program, known as the Mississippi Second Chance Program (MSCP), in each county jail. This program would aim to treat mental health and addiction while teaching necessary education, life, and job skills. The program's primary goal is to reduce recidivism and lower the number of incarcerated people in Mississippi while reducing the economic burden of incarceration and reallocate those funds to more productive investments in our communities. The MSCP would provide a cost-effective and efficient approach to getting people out of jails and becoming productive members of society.

The MSCP will aim to provide inmates with the resources and support to address the issues that led to their incarceration while helping them reintegrate into society before their

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release. To accomplish this, each inmate would complete a comprehensive screening process during intake to identify appropriate programs for which they would be eligible. This process would involve collecting information on the inmate's criminal history, substance abuse, mental health, their highest level of education, and work history. After collecting this information, the inmate will be referred to one or more diversion programs for which they meet the criteria.

For those who are diagnosed or show signs of undiagnosed mental health illnesses, MSCP will be personalized to determine each individual's mental health needs and provide treatment within the jail setting. This service will follow the example of the Lafayette County Detention Center (LCDC) in Oxford, Mississippi. LCDC has partnered with CommuniCare, a mental health provider, to provide mental health care services to inmates within the facility, giving them access to counseling, psychotherapy, and medication management services. Most importantly, CommuniCare provides the inmates with one-on-one therapy, peer support, case management, and medications prescribed by the psychologist once released from jail, providing them with the stability needed to remain out of custody (Schnugg, 2022).

The MSCP would next offer a voluntary, live-in 28-day drug rehab program within the jail facilities for those in active addiction. This program would allow inmates to receive treatment for drug and alcohol abuse without having to leave the jail. The treatment would include a combination of individual and group counseling, relapse prevention, life skills training, and medication-assisted treatment taught by a combination of professional staff, including counselors, social workers, and volunteers.

For individuals deemed eligible for mental health or rehabilitation programs to access alternatives to incarceration, compliance with the mental health and substance abuse programs must first be achieved. For education and job skill programs to be genuinely beneficial, those

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participating must have the tools needed to be mentally and physically healthy. Therefore, it is essential that county jails adequately fund and staff these programs to ensure that individuals can receive the necessary treatment before accessing other diversion programs.

Education programs will focus on providing inmates who have not completed their secondary education with the necessary steps to obtain a GED. Those who wish to enroll will meet weekly in a classroom setting within the jail with qualified instructors to become familiar with the material. Students will be expected to complete assignments and take practice tests to prepare for their official GED tests. Once the student is ready, they will receive a GED voucher from the jail's educational coordinator and schedule their official test. Upon completion, their results will be sent to the jail's educational coordinator, and they will receive their GED.

Lastly, life and job skill training will be available to those deemed eligible and compliant with all other recommended programs. Although the MDOC already provides opportunities such as the Transitional Work Program, it is only offered to offenders after they are convicted and sentenced to an extended period. This excludes low-level and first-time offenders who will be returning to society and, without the skills needed to become productive members of society, will remain in the same cycles and recidivate.

To combat this, the MSCP offers a similar work program, but one provided to those held in county jails. This work program will not follow traditional designs for inmate workers, which typically do not leave the facility. Inmates in the work program will be expected to be employed in the community while they serve their sentence. The program will allow inmates to work at businesses, government agencies, and non-profit organizations that the jail administrator approves. MSCP will allow inmates to gain job skills and experience while earning money to help pay restitution, fines, and other fees. While paying their dues to society through their

incarcerated status, the inmates will also be paying the jail a percentage of their earned income to be redistributed to assist in covering costs for the programs providing treatment and education.

The MSCP would be funded through state and federal grants, private donations, and private-public partnerships. To ensure that the MSCP is successful, effective monitoring and evaluation systems would be in place to collect data on recidivism rates, the number of people completing the program, and the program's overall impact on the community. This data would then be used to make any necessary changes or improvements to the program.

Conclusion

The Mississippi Second Chance Program is a comprehensive approach to reducing incarceration rates and recidivism while helping inmates become productive members of society. By providing inmates with mental health and addiction treatment, education, and job skills, the MSCP will give those incarcerated the necessary resources to become successful and remain out of the criminal justice system. With adequate funding and effective monitoring and evaluation, the MSCP can be a cost-effective tool in reducing incarceration rates in Mississippi and creating a more equitable justice system.

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