

Testimony of

The Honorable Patrick Leahy

June 11, 2002

Today this Committee will consider an important but often overlooked criminal justice issue - the impact of mentally ill offenders on our justice system. The Committee's consideration will be aided by today's release of a comprehensive report on that topic by the Council of State Governments. We will also hear from a number of criminal justice and mental health experts, who will explain why the issue of mentally ill offenders has presented such problems for State and local governments. I hope this hearing will raise awareness of the role of mental illness in causing crime, and help Congress evaluate what role the Federal government can play in helping State and local governments address this issue.

We are all too familiar with the role that drug abuse plays in promoting crime - from drug trafficking itself, to property crimes committed by addicts, to murders committed by dealers seeking to gain or maintain control over lucrative drug markets. We are also well-acquainted with the occasional notorious crime committed by mentally ill individuals, such as the assassination attempt against President Reagan. But today we will focus on the persistent problem of people with mental illness who repeatedly rotate between the criminal justice system and the outside world, committing a series of minor offenses that occupy the time of law enforcement officers, diverting them from their more urgent responsibilities. Some mentally ill offenders also abuse drugs and/or alcohol, further complicating matters for law enforcement.

We will hear today from witnesses who have expertise in this area from varying perspectives - including law enforcement, corrections, state mental health systems, and local government. I would like to give a particular welcome to Gary Margolis, the Chief of Police Services at the University of Vermont. We will also hear from Representative Ted Strickland, who has personal experiences with mentally ill offenders, having served as a consulting psychologist at the Southern Ohio Correctional Facility before coming to Congress.

The Council of State Governments' ("CSG") report was developed by nearly 100 criminal justice and mental health policymakers - Republicans and Democrats - who want to improve how the criminal justice system handles people with mental illness. The committee included sheriffs, chiefs of police, prosecutors, judges, corrections directors, and parole board chairmen, along with mental health professionals, showing that interest in this issue is quite far-reaching. Indeed, the Police Executive Research Forum and the Association of State Correctional Administrators worked with the Council of State Governments, the Bazelon Center for Mental Health Law, and other excellent groups to produce this report. This is a law enforcement problem, as our witnesses today will make clear.

The evidence shows the severity of this problem. The Bureau of Justice Statistics has found that more than 16 percent of those incarcerated in jails and prisons have a mental illness. The Office of Juvenile Justice and Delinquency Prevention reports that more than 20 percent of the youth in

the juvenile justice system have serious mental health problems. As the CSG report discusses, individuals who are booked into U.S. jails are three to four times more likely to have serious mental illnesses than the general population. To provide a more specific and rather shocking example, the Los Angeles County Jail often holds more people with mental illness than any state hospital or mental health institution in the United States.

Vermont, like every State, has witnessed wrenching examples of the effects of mental illness. Last December, Robert Woodward, a mentally ill man, interrupted services at All Souls Church in West Brattleboro, Vermont, threatened to kill himself, and, armed with a knife, charged three Brattleboro Police officers who had responded to calls from the scene. The officers were forced to shoot Mr. Woodward - who died later that day - to protect themselves and the others in the church. (Vermont's Attorney General has cleared the officers of any charges of wrongdoing.) The effect of this tragic incident on those officers, the witnesses who simply set out to spend a Sunday morning in church, and the family of Mr. Woodward defies words, and it would behoove us to do what we can to prevent such situations before they occur.

The Council's report provides a roadmap for our consideration. Although there may be recommendations in the report with which some members of this Committee disagree, I think we should all agree that it makes sense to help State and local governments improve the availability of mental health services, train their law enforcement personnel to recognize the signs of mental illness in offenders, and give prosecutors more tools to deal appropriately with mentally ill offenders.

This issue matters to me, both because helping people with mental illness is the right thing to do, and because doing so could improve the safety of all Americans. I have worked with Senator Hatch and others to increase funding for drug treatment out of a similar desire to reduce crime, and we should be equally interested in this issue. I have already proposed including a study on the ability of mentally ill offenders to reintegrate into society after their release in the DOJ authorization legislation that is in conference, and I look forward to considering additional legislative proposals on this issue.

I hope that this hearing prompts a larger discussion of these issues and a concerted and bipartisan effort to find solutions, and I look forward to hearing from our witnesses.