

Testimony of Pete Earley
United States Senate
Committee on the Judiciary
January 26, 2016
Breaking the Cycle: Mental Health and the Justice System

I want to thank the Chairman, Ranking Member, and the other senators on this committee for inviting me to testify today, especially Senator John Cornyn.

In the past ten years, I have spoken in every one of your home states – every one of them -- about the need for Crisis Intervention Team training, jail diversion, mental health courts, and re-entry programs, and I appreciate your willingness today to hear why I feel so passionately about these programs and why they are needed to end the inappropriate incarceration of persons with mental illnesses.

My story begins with a frantic car ride and my college student son asking me: “Dad, how would you feel dad, if someone you loved killed himself?”

Kevin had been diagnosed a year earlier with a mental illness: bipolar disorder, but he had stopped taking his pills. When I picked him up in Manhattan, he had been wandering around five days convinced that God had him on a special mission. During our ride to an emergency

room in Fairfax, Va., he would laugh one minute and begin sobbing the next. I pleaded with him to take his medicine, but he screamed: "Pills are poison, leave me alone!"

At the emergency room, we were put in an empty room all by ourselves for four hours. Finally, Kevin said he was leaving. I raced into the hallway and literally grabbed a doctor. I will never forget how he came into the room. He had his hands raised as if he were surrendering. He told me there was nothing he could do because my son and I had been in a room for four hours and my son had not hurt himself or me -- so he clearly wasn't a danger to anyone and by law couldn't be required to accept treatment.

"Bring him back after he tries to harm you or someone else."

Forty-eight hours later, my son broke into a stranger's house to take a bubble bath. Luckily no one was at home. He was charged with two felonies: breaking and entering to commit burglary and destruction of property.

What happened to my son that day is not an aberration. On any given day in America, more than a quarter million Americans with severe mental illnesses are incarcerated in jails and prisons (1) 850,000

people with mental illnesses are on probation or parole in the community (2).

Fortunately, Kevin was put on two years of probation. This was because he had no criminal record. His mental illness was never mentioned or considered, neither was his need for treatment. During his probation, he did well, but when his probation ended, he immediately stopped taking his medication and stopped seeing a psychiatrist.

I called mental health officials for help, but was told that I had to wait for Kevin to become dangerous. The night he became violent, I called those same workers.

“Is he dangerous or violent?” I was asked.

“He’s violent.”

“Oh, we don’t come if they are violent, call the police.”

Three officers came to our house and confronted Kevin. When they took out handcuffs and ordered him to submit, my son yelled, “I haven’t broken any laws” and ran.

Kevin was shot two times by police officers with a 50,000 volt Taser and hogtied. With much pleading, I was able to convince them to not

charge him with resisting arrest. He was taken to a hospital instead of jail.

My son did well for about a year, but again stopped taking his pills. It was Thanksgiving and he knew that I knew he was becoming psychotic. Afraid that I would call the police, Kevin jumped in his car and took off. He kept going until he ran out of gas in North Carolina.

“If I get out of the car,” he told me on his cell phone, “the voices are telling me that I will die.”

That sounds ridiculous, but how do any of us know we are attending this hearing? Our brain is telling us that we are and if our brain told us that we would die if we stepped from this room, none of us would risk leaving.

I arranged for Kevin to get gas and he drove back to Fairfax on I-95 completely psychotic, twice going off the road. He agreed to go to a safe house and to see a doctor the next morning. But that night, he took off all of his clothes because he thought that made him invisible and walked out on the street where a police officer spotted him.

But listen what happened this time.

This officer had Crisis Intervention Team training. He didn't approach my son like Rambo with his Taser drawn. He treated him with respect.

When my son told him that he didn't want to be handcuffed because he had not committed any crimes, the officer used his discretion and let him ride in the back of the squad car to a hospital without being handcuffed.

At the hospital, Cindy Anderson, who runs the jail diversion program in Fairfax, kept him from being charged with indecent exposure and diverted him into treatment. She got him to see a community psychiatrist, who actually took time to listen to him about why he didn't like medication rather than just prescribing him a pill. That doctor recognized that treating the brain also required treating the heart with compassion.

Cindy Anderson got Kevin into a Housing First apartment with two other men with severe mental illnesses and she asked him what he wanted to do with his life.

"What can I do, I have a mental illness?" Kevin said.

"Knock it off," Cindy told him. "Control your illness, don't let it control you. You can live a normal life. You need to find a job."

She gave him hope.

My son said he wanted to help people, so Cindy got him involved in peer-to-peer training where a person with mental illness helps other individuals with mental illnesses.

Today Kevin works for Cindy on her jail diversion team. He has moved out of supportive housing. He pays his own bills. He pays taxes. He works a forty-hour week and then on weekends, he works at a movie theater. He has been stable for seven years.

I don't need experts to tell me that CIT, jail diversion and robust community treatment programs, that include Housing First and job training work. All I need to do is look at my son.

A CIT trained officer and Cindy Anderson, literally gave my son back to me. They saved his life and for that, I will always be grateful.

Thank you.

Footnotes

1. Treatment Advocacy Center: **Jails and prisons: The nation's largest psychiatric facilities**
<http://www.treatmentadvocacycenter.org/resources/consequences-of-lack-of-treatment/jail/1371>
2. JUDGE STEVE LEIFMAN Chair, Supreme Court of Florida Task Force on Substance Abuse and Mental Health Issues in the Courts, Subcommittee on Oversight and Investigations of the Energy and Commerce Committee of the UNITED STATES HOUSE OF

REPRESENTATIVES.

<http://mentalillnesspolicy.org/imd/judgeleifmanpsychhospitaltestimony.pdf>