

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

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Managing Special Populations for Corrections

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**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

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Wichita Falls, Texas
September 10, 2004**

ABSTRACT

Over the course of the past several decades the criminal justice community nationwide has observed increases in the number of mentally ill offenders entering their facilities. The criminal justice community has also found that little can be done to treat the medical or psychiatric needs of this very diverse and special population. The methodology consisted of a survey group of 102 corrections officers and focused on current training, past training, and future needs from the perspective of the surveyed officers. Through this research a need for both additional training and specialty training was identified. Other areas identified as needing improvement were those of cooperative relationships between the criminal justice community and the mental health community in general. In general, this research benefits criminal justice professionals in understanding the scope of the problem issues and how to go about instituting changes in their own agencies.

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INTRODUCTION

As far back as man can remember there has been a concern regarding how society should handle its mentally ill and mentally retarded. These individuals have often been placed in asylums. They were forgotten about with the idea of being out of sight out of mind.

Before the early 1900s, the asylums and mental health hospitals had been portrayed as being dark and sinister places that people fear. This portrayal is still used in present time with examples shown in movies of asylums and mental health facilities being dark dreadful places with scary and sinister looking people working in them. Over the past several decades the mental health community and its supporters have been making desperate efforts to show the public that these places are legitimate medical facilities where people are treated for serious medical conditions, not put there to live out the rest of their lives out of public eye.

This paper will examine the current state of county jails in Texas and their ability to manage individuals with mental illness. As an integrate part of the information, the population of these facilities will be discussed and the state mandated minimum jail staff requirements as it applies to handling special populations. Jail facilities

and their design will be discussed in relation to handling special populations. Current trends in policy and procedure will be reviewed along with minimum standards in training.

These items are relevant to all levels of the criminal justice system because as a whole, if legislation changes at one level, it is often not changed at another. A good example of this is the handling of individuals with a mental illness on the streets. If an officer believes that an individual meets certain criteria, that individual is then taken to a mental health facility in lieu of the county jail. Unfortunately, many individuals that do not meet the criteria for a peace officers emergency commitment are brought to the county jail. In fact, the county jail is not necessarily the environment that would be best in providing that individual with the care that they need. The criminal justice system, as it is now, places the individual in an environment that is not intended to be a health care facility nor is it intended to address their conduct or actions that brought them to that point. Although these facilities can provide the individual with their prescribed medications, any care beyond that is rare and somewhat inadequate compared to the resources that are needed to effectively return the individual into society.

The purpose of this research is to determine whether county jails can modify their policies and procedures to effectively assist these individuals integrate back into society. To do this the question "Should county jails be required to have specially trained staff to handle matters relating to individuals suspected of having a mental illness?" will be researched.

During the course of this research, personal interviews will be conducted with jail administrators and Mental Health Mental Retardation (MHMR) professionals. Jail staff and MHMR staff will be interviewed for their professional opinions regarding the status of offenders with mental illness. Review of policies currently in use at these facilities will be discussed concerning current trends in handling individuals with a mental illness. Other resource information will be derived from books written on pertinent subjects along with reports and surveys published by professionals in both the criminal justice system and the mental health system.

It is anticipated that the research will show a need to have specially trained officers or staff assigned within county jails. Indirectly, the research will also show the need for improvement in other areas such as policy, training, and the releasing of individuals suspected of

having a mental illness. The outcome and conclusions of this research can be used by the criminal justice community to ascertain where policies are today versus where they may be directed in the near future.

The treatment and handling of individuals with mental illness is a topic that has come more into the spotlight over the course of the past thirty-five years. These problems will become even more apparent over the course of the next several years as cases travel through the court system and new case law is established. This research will benefit the law enforcement agencies that currently have jail facilities and those whom are preparing to build a facility by bringing awareness of the subject matter and the need for consideration in items relating to design, staffing, and, training of these facilities.

REVIEW OF LITERATURE

In order to address the subject matter thoroughly it is paramount that each reader develops an understanding of the true nature of the issues to be examined. There are distinct differences between the mental health system and the criminal justice system. Though very different, each shares a common commitment, to care for those persons to whom they have charge over. Each reader should also understand that not every person suspected of having a

mental illness encountered by law enforcement qualifies for or is willing to receive assistance through the local mental health authority.

The Criminal Justice Policy Council (CJPC) in conjunction with the Texas Commission on Jail Standards (TCJS) and the Texas Council of Offenders with Mental Impairments (TCOMI) published a report titled "Mentally Ill Offenders and County Jails: Survey Results and Policy Issues" (2000) (hereafter referred to as Survey Results). The figures provided in the Survey Results represent statistical data from county Jails in Texas for the Year 1998 as reported to the TCJS. As part of their research, 237 jails were surveyed with 191 jails responding to the survey. Their survey addressed areas such as jail size (population) and number of prisoners booked into the jail for the year 1998.

Many issues were identified in the Survey Results that indicate a need for change in the manner that county jails handle individuals suspected of having a mental illness. Identified in this report was the need for jails to keep more accurate and complete records of treatment for prisoners. The report stresses a need for county jails to move more towards computerized treatment records and a need

for jails to properly record all information regarding the treatment of individuals being held in their jails.

The Counsel for State Governments (2002), through federally funded grants, published a report titled "Criminal Justice/Mental Health Consensus Project" (Consensus Project). Though published by the Counsel for State Governments the Consensus Project was made possible through the team efforts of many organizations to numerous to list. The two-year project that led to the final report identifies forty-six policy statements for legislators, policy makers, and other responsible officials to consider when addressing matters related to the handling of persons suspected of or having a mental illness.

The Consensus Project addresses the entire process of handling persons with mental illness. Starting with the call received by the police department dispatcher for service all the way through the criminal justice system and post confinement treatment matters. It is important to stress the need to read this report from cover to cover. Regardless of how busy a person might be, in order to understand the complete cycle and what areas need to be addressed the entire report should be read before attempting to address just one area of concern.

A large part of the Consensus Project addresses training. In order for training to be effective at one level, each agency involved needs to be trained in a manner that reflects the needs of the target population. In order for the law enforcement official to appropriately gauge what services are available to a person in need, that officer needs to be trained in what services are available in the community. Likewise, in order for the local mental health authority to assist the law enforcement officials, the mental health personnel need to be trained in what options the law enforcement official has when dealing with persons suspected of having a mental illness.

During the first contact with an individual displaying signs of mental illness, the law enforcement official must make a determination of whether or not to arrest the individual involved or utilize some type of diversionary measure such as transporting the individual home rather than confinement. There are cases such as felony violations where the officer is obligated to arrest the subject and transport him or her to confinement. In the majority of cases however, minor violations of public intoxication or criminal trespass where the officer has some discretion could be resolved by the officer utilizing a diversionary measure or services available within the community.

Understanding that the officer's discretion will not always apply and is based largely upon the officer's agency's policy, the community as a whole might be better served if means other than confinement were to be sought out. As part of the Consensus Project, there are many examples provided in the report where agencies utilize pre-arrest diversionary measures in lieu of confinement. The measures provided as examples appear to serve multiple functions in that they help relieve an already overburdened local criminal justice system and they help connect individuals in crisis with the much needed services available within the community.

The Consensus Project stresses that in order for an effective system to be put in place an effective working alliance must be established between the local law enforcement authorities and the local mental health authorities. Regardless how it is established the relationship would act as a starting point for addressing the needs of the community. Through this alliance, other key figures would be invited to join such as representatives from local agencies that could assist in the areas of medical care, housing, and employment for individuals having a mental illness. Even though these are separate issues, each relate to the overall function of

treating citizens for a medical condition that untreated would otherwise result in the person being handled regularly by the criminal justice system.

The Consensus Project also addresses the need to have representatives from the District Attorneys Office and in some cases, representatives from the Courts assigned as well. Not only would such an alliance add to the overall strength of the combined effort, it would also give insight to options available prior to the conviction stage of an offender. These options might include items such as special conditions of probation, voluntary treatment in lieu of confinement, or other means established to treat the medical condition of the individual rather than placing them in a confinement setting where there are very few options available for treatment.

Another key issue addressed in the Consensus Project relating to a team approach to solve a problem is the need for sharing information. While understanding that some information relating to the medical conditions and treatment is considered confidential in nature and thus protected under the law, the primary mission of such a team would be seeking the appropriate treatment measures for the individual in need and the sharing of information would be critical to the success of the mission. Confinement in the

local jail is appropriate in many cases however; confinement alone does not address the underlying problem of the mental illness. In the absence of proper treatment, the individual will most likely continue to be handled regularly by law enforcement officials.

Equally important to understanding the nature of the problem is that of being able to identify what solutions might work within a particular agency or community. A program that works in one community might not work in another because of limitations on services provided, available funding, trained and qualified staff, or any number of factors consistent with community-based care. Identifying these barriers and finding ways to overcome them is the most important factor taken into consideration as new programs are established.

In one such program, Gentz and Goree (2003) looked into a program of the Tulsa Oklahoma Police Department that was modeled from the Memphis Tennessee Police Department. In this program police officers and mental health professionals attend a week long course concentrating primarily on interpersonal communications. Police officers, by their nature, are problem solvers; they identify the problem then work to find a resolution within the scope of their responsibilities.

Gentz and Goree (2003) also discuss that perhaps the single most important phase of the police officers involvement in any situation is safety. Many officers look at the safety factor then move directly into the problem solving stage. In the Tulsa program, officers are taught that when dealing with subjects suspected of having a diminished capacity not to move so quickly into the problem-solving phase. Through the exercises taught in the program, Tulsa officers utilize interpersonal communications skills to identify mental health related factors in an effort to find a suitable resolution that best serves their community and all the parties involved.

Faust (2003) discusses that, while an individual is actively being treated they stay within the confines of the mental health system however, when their treatment stops or they discontinue taking their medications, they then become the responsibility of the criminal justice system through their own actions. Even though these individuals are pose no more threat than the common individual on the streets while being treated, the risk of violence is somewhat greater when not being treated.

Faust (2003) continues his discussion by identifying that it is somewhat important to understand the legislation regarding the treatment of individuals changed to some

degree in the 1970s. Once this legislation changed, individuals had to be found to be a danger to themselves or others before they could be forced to receive treatment. This change then made treatment voluntary thus making the number of untreated individuals in the community higher than before.

Briefly addressing the needs for a change in legislation, Faust (2003) brings the National Sheriff's Associations support for change. This organization is actively supporting changes in the determining factors for involuntary treatment. As discussed before, in order for an individual to be involuntarily treated they must pose a risk to themselves or others. Part of the National Sheriff's Associations endeavor is to change this to a need for treatment. Doing so will make it easier to treat those whom need even minor services but refuse to seek them out.

Tahir (2003) stresses the ability of staff members to recognize activities that would indicate a mental illness is imperative to a successful management program. In many cases, an individual's display may actually fall under more than one known indicator of a mental illness. The ability to recognize the signs and symptoms of mental illness and then subsequently having the properly trained staff

available to care for them will significantly reduce critical incidents.

Tahir (2003) also discusses that educating individuals on the importance of taking prescribed medications and making the individual aware of any side effects is also a critical factor in establishing a successful program. Many times, individuals will cease taking medication based solely of the fact that they do not like the side effects of the medication. Along with side effects, many individuals feel that there may be a negative stereotype portrayed by others because of the type of medication being taken. Staff members, both medical and correctional, through communications and proper training, can be of great importance in helping the individual understand that the medication is needed much like the medications of those individuals whom have other serious illnesses, the negative stigmatism surrounding these medications may dissipate a great deal.

METHODOLOGY

County jails, state and federal prisons have become overwhelmed by the number of incarcerated individuals diagnosed with or suspected of having a mental illness. Many of these facilities do not have trained or properly qualified staff to care for this growing number of

prisoners having special needs. As part of this research project, the following question was posed: "Should county jails be required to have specially trained staff to handle matters relating to individuals suspected of having a mental illness?"

It is anticipated that justification for advanced training and the hiring of specially trained staff to handle individuals suspected of having a mental illness will be found. It is also anticipated that other areas needing improvement within the criminal justice system and the mental health system will also be identified. As with any such changes, a fiscal factor will come into consideration, along with the item listed above, it is anticipated that cost effective measures will be identified.

The survey group consisted of one hundred and two jailers working for the Sheriff's Office in Wichita County, Texas. The survey consisted of six questions relating to the amount of training the individual received before starting in their position and the amount of training following their placement. Of the one hundred and two surveys sent out, thirty-three surveys were returned (thirty-two percent return rate).

Survey questions were included to address whether policies were provided for the employee to study following their placement and whether or not additional training in ways to assist the mentally ill once they were confined. Each survey included one question that addressed whether or not the individual being surveyed felt as though additional changes need to be made within the criminal justice system regarding the handling of individuals suspected of or actually having a mental illness or incapacity.

The survey was developed in a manner that provides a separate value for each answer in the question. The values are then compared against the opposite answers to provide the separation value. Given any particular question of the survey, there are two possible answers when calculated into percentages; these values represent an accurate finding for the survey group. When any one question was not answered, this data was also computed into the percentage of not answered or unknown values.

FINDINGS

The first question in the survey was addressed towards whether or not the officer had received any training that relates to the handling of individuals suspected of having a mental illness. Figure 1 below represents the percentages of working officers who feel they have or have not been

trained to handle persons suspected of having a mental illness or incapacity. A very small percentage of this group represent officers who have been employed under temporary licenses and have yet to attend the state required basic jailers training. The survey did not specifically address whether an officer had been to the required jail training primarily because these individuals are already working within a corrections setting therefore, the survey still accurately asses the amount of training the officer has received.

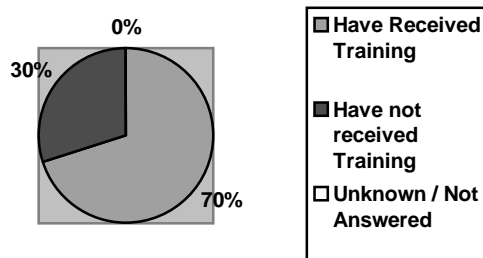


Figure 1

Equally important to training is the need for up to date policies regarding the handling of special populations. The second question in the survey addressed whether or not the officer had been required to read or study any department policies relating to the handling of individuals suspected of having a mental illness or incapacity (Figure 2). The validating factor for this

question is the fact that a policy does exist and that the written policy has been kept current within the agency. This question did show that a large number of officers had read policies however, it also represents that a moderate percentage of employees who had not. The question as written provides a relative percentage of employee's who have been required to read any policies that were currently in place. What aids in the value to this question is knowing that the agency not only has a current policy but there is also a requirement for officers to read their General Orders and Standard Operating Procedures at least once per year as they are updated and reviewed. This may, depending on personal interpretation, represent a need to follow up with first line supervisors in a effort to make sure officers are reading policies as they are updated.

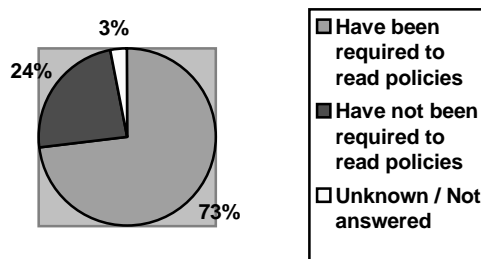


Figure 2

The third area addressed in the survey was relating to whether officers felt as though more training was needed

within their agency relating to the handling of individuals suspected of having a mental illness or incapacity (Figure 3). When taken into consideration with the data from the first question where seventy percent stated they had received training, it was interesting to find out that many felt as though additional training was needed.

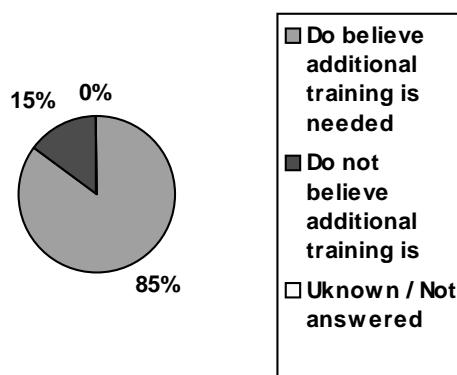


Figure 3

As with many law enforcement positions, jailers are required to go through a certain amount of training before receiving their permanent jailers license. The area of initial training received before starting their positions was requested. Figure 4 identifies the ratio of jailers who felt they did or did not receive training when initially hired. This information is included because in many cases, a jailer may start their employment several months before attending the state required jailers licensing course that does have minor exposure to the subject matter.

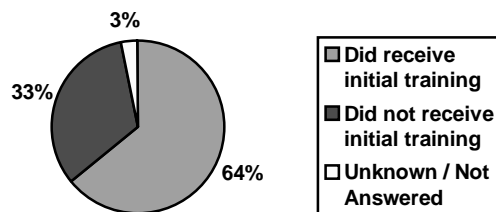


Figure 4

Survey question 5, represented as Figure 5 below, addressed the issue of whether or not the jailers surveyed were trained in ways to assist prisoners suspected of having a mental illness or incapacity. Understanding that jailers do receive training regarding a narrow range of mental illness or mental retardation recognition during the state mandated licensing school, it is equally important to know if these jailers were trained regarding specific measures of assisting the mentally ill.

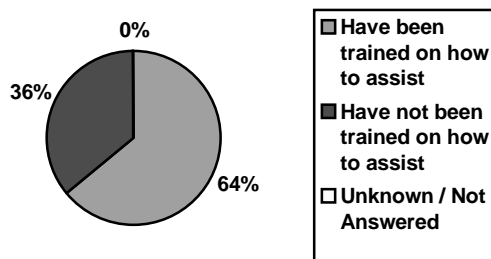


Figure 5

The sixth and final question of the survey (Figure 6) asked the officers if they felt as though changes needed to

be made in the manner that individuals suspected of having a mental illness or incapacity are handled in the criminal justice system. Though a general question, it does provide valuable insight into the number of officers who may feel as though changes need to be made without specifically addressing what those changes may be.

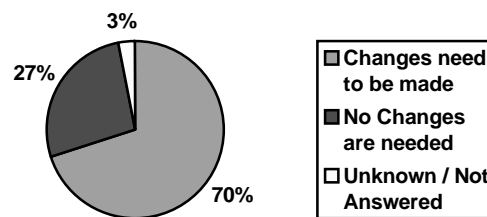


Figure 6

When writing the survey for this research paper the researcher found it important to address the past, present, and future training of the survey group. This method was used so that a comparison could be made between the researcher's hypothesis to the research question and the data collected through the survey. Figure 7 below demonstrates the correlation as question four was used to determine training when an individual was hired (past); questions one, two, and five demonstrate training received after being hired (present); and, questions three and six address future needs through the opinions of the officers surveyed (Appendix A).

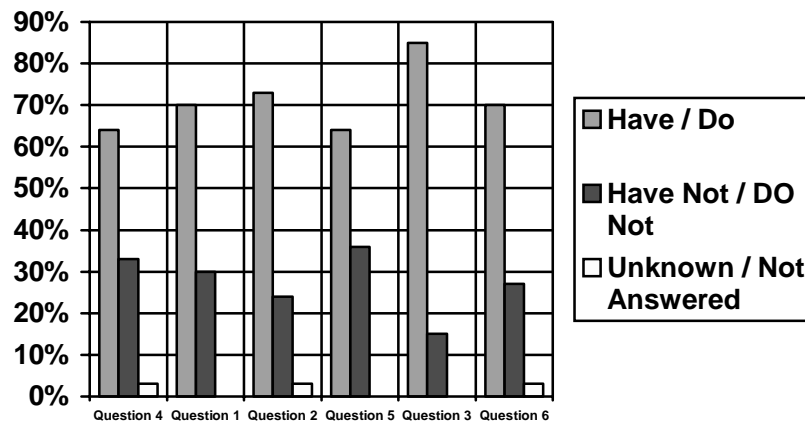


Figure 7

CONCLUSIONS

Over the course of the past several years the number of individuals suspected of having a mental illness or incapacity being admitted into county jails across the state has grown to a point that test the capabilities of those facilities and their staff. The purpose of this study was to determine if additional training is needed for jail staff and to determine if county jails should be required to have specially trained staff members to handle matters related to individuals suspected of having a mental illness or incapacity. Utilizing the question "Should county jails be required to have specially trained staff to handle matters relating to individuals suspected of having a mental illness?" the researcher was able to assemble information and compile statistics relating to the subject matter of this research.

The researcher anticipated that the research will show a need to have specially trained officers or staff assigned within county jails. Indirectly, the research will also show the need for improvement in other areas such as policy, training, and the releasing of individuals suspected of having a mental illness. It is also anticipated that the research will reflect a need for improved training methods for newly hired jailers.

The researcher agrees with the data collected in that jailers are trained while attending the state required jail school. This training covers very basic methods of recognition for individuals displaying signs of serious mental illness. The researcher believes that in order for jailers to recognize these individuals, the individual would need to be in a state of crisis where that individual is displaying clearly obvious indicators of mental illness or other immediate distress.

The researcher believes that the data collected does support the hypothesis in that additional training is needed. Though the survey group identified that they were trained, eighty-five percent stated that they felt as though more training was needed. The need for a change in the criminal justice system regarding the manner that individuals suspected of having mental illnesses are

handled was also identified. While conducting the research, several recommendations were found throughout the literature that indicated a need for training at every level of the criminal justice system. The researcher found that many of the changes needed come from sources outside of the jail. A need for better communication between agencies was also found. It is the opinion of the researcher that if both communications and training can be improved upon then every agency and individual involved would benefit.

Several items were identified as possible limitations to the research. The experience level, years of service, of the survey group is estimated at or under two years. This unfortunate factor is typical of many county correctional settings. The size of the survey group (102) represents a low percentage of the licensed jailer's in the State of Texas.

The survey group comes from a medium sized jail (500 to 600 prisoners) the department has an active interagency training department that other smaller departments in the state may not have. This alone represents that the survey group may have had opportunities for training that smaller departments may not have available. The geographic location

of the survey group, North Texas, may not represent the needs of officers in other areas of the state.

This research is relevant to law enforcement in the areas of hiring, training, and assessing future needs of confinement facility policies and procedures. Through the course of this research project the researcher had learned that even though officers receive training in handling individuals suspected of having a mental illness, even the officers that were surveyed feel as though additional training is needed. The data collected also show that changes are needed in the way that the criminal justice system handles individuals suspected of having a mental illness or other undiagnosed incapacity.

The data collected shows a need for additional training for officers working both on the streets and in the county jails. A need for training was also found at every level of the criminal justice system, these findings, if implemented, would improve the way that local criminal justice systems handle individuals suspected of having a mental illness. Many individuals within the criminal justice system are not aware of what services are available within their own communities, by training these individuals other opportunities could come to light that would lessen the burden of the criminal justice system with regards to

having to constantly house individuals suspected of having a mental illness within the criminal justice system.

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- Tahir, Laura (2003). Supervision of Special Needs Inmates by Custody Staff, *Corrections Today*, 65(6), 108-111.

APPENDICIES A

Wichita County Sheriff's Office
Attn: Sergeant Daryl Bonnin
P.O. Box 8526
Wichita Falls, Texas 76307

Dear Sir or Madam;

As part of a requirement for graduation from the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), I am required to conduct a research project relating to a management policy or procedure. The topic I have chosen is related to the handling of individuals suspected of having a mental illness or other medical condition during the pre and post arrest stages of the criminal justice system.

As part of the survey group, I am requesting that you complete the following survey questions. The data collected from this survey will be used to provide general information relating to the relevance of the research project. Please complete and return this form as soon as possible.

1. I have have not received training relating to the handling of individuals suspected of having a mental illness.
2. I have have not been required to read or study policies relating to the handling of individuals suspected of having mental illnesses.
3. I do do not believe that additional training is needed within my agency regarding the handling of individuals suspected of having a mental illness.
4. As part of my initial training, I was was not trained to identify signs of mental illness when communicating with individuals inside the corrections setting.
5. I have have not been trained on how to assist individuals suspected of having a mental illness in the correctional setting.
6. In my own opinion, I do do not believe that any changes need to be made in the manner that individuals suspected of having mental illnesses are handled or treated within the criminal justice system.

Please return completed form to Sgt. Daryl Bonnin through interoffice mail.

Optional Information

Name: _____ DO CPL SGT LT CPT Other
Title (if any): _____ Facility: Court House Annex

Please feel free to add any additional comments you may have that are relevant to this information on the reverse side of this form. If you desire a response, please specify so and one will be provided to you.