

# The time doesn't fit the crime

Street Roots and Sisters of the Road are proud members of the Western Regional Advocacy Project (WRAP). The Western Regional Advocacy Project was created to expose and eliminate the root causes of civil and human rights abuses of people experiencing poverty and homelessness in our communities. The organization is made up of grassroots organizations up and down the West Coast.

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The Western Regional Advocacy Project has been documenting the increases of mentally ill people in local jails as a result of diminished funding for mental health treatment and housing, escalation of “nuisance crime” enforcement by police and private security, and expansion of mental health courts.

The scale of this issue is enormous: it is reported that the LA county jail alone houses 3,000 mentally ill people a night. According to the Bureau of Justice Statistics, as many as 64% of people in jails nationwide have mental health problems. In the 1980s and early 1990s, people with severe mental illness made up 6-7% of the jail population. In the last 5 years, this percentage has climbed to 16-30%. Nationwide, there are three times as many people with mental illness in prisons as there are in hospitals; 40% of people with severe mental illness have been imprisoned at some point in their lives.

We at WRAP see this ever-increasing incarceration of mentally ill people as part of a trend toward using the criminal justice system to address health and socioeconomic needs. On the ground, this means that mentally ill homeless people who lack adequate access to housing and treatment services are vulnerable to getting caught in the criminal justice system. This includes arrest or citation under local “quality of life” or “nuisance” laws that include sitting/lying on sidewalks, panhandling, and loitering. Oftentimes, the seriousness of these infractions is escalated to “failure to appear” bench warrants, which require jail time.

To gain a clearer understanding of the scope of the problem, we are conducting outreach to self-identified mentally ill people, service providers, justice system employees, lawyers and researchers. We have also

conducted a literature review of Department of Justice reports and periodical pieces. We were stunned to learn that never before has there been systemic outreach to self-identified mentally ill homeless people about this issue.

During the month of August 2010, WRAP did street outreach with 253 self-identified mentally ill homeless people in six cities (Portland, San Francisco, Oakland, Berkeley, Los Angeles and Denver). The National Consumer Advisory Board of the National Health Care for the Homeless

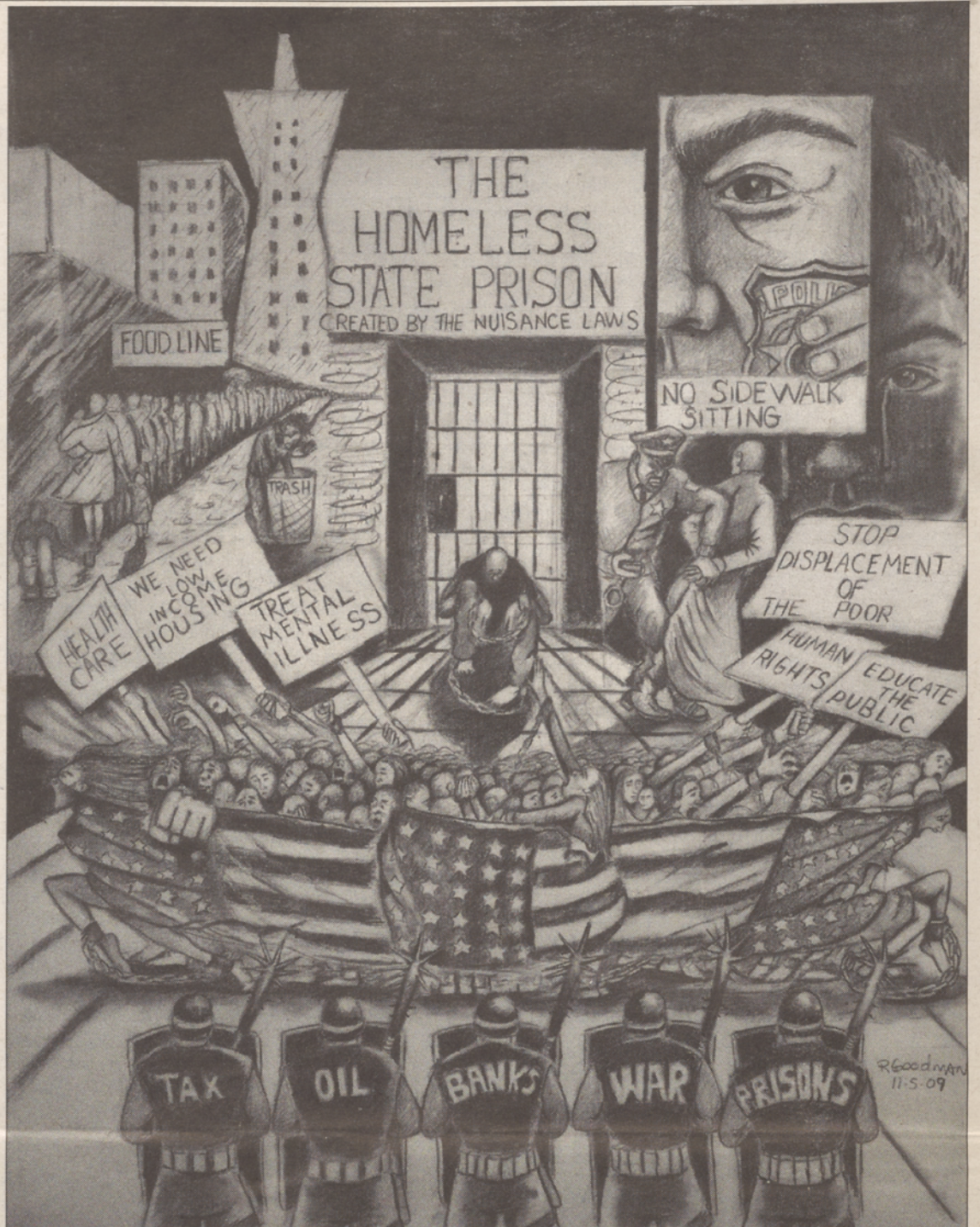
Council is doing 350 more outreach sessions in seven cities across the country.

The initial responses tell us we need to bring together all the concerned members of local communities and finally start to reverse this trend.

Here's just some of what the street outreach found:

- 76% reported being stopped, arrested, or cited due to “quality of life” offenses.
- 60% reported being harassed by private (Business Improvement District) security.
- 35% reported having ignored tickets issued against them.
- 59% reported having Bench Warrants issued for their arrest.

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- 22% reported having outstanding warrants at the time of the survey.
- 21% reported being incarcerated while 5% reported being referred to a program when brought before court.
- 29% reported losing their housing or being discharged from a program due to incarceration.

This closely mirrors the initial service provider experiences even though they were not all in the same cities:

- Almost 20% of service providers report that their clients' interactions with police occur because they appear to be homeless.
- More than 60% of service providers report that their clients' interactions with police occur because of drinking related offenses
- 30% of service providers report that their clients interact with police because they are loitering, 16% report interaction because of jaywalking, and 16% for trespassing.
- 74% of service providers report that at least 70% of their clients have been arrested.

By looking at and analyzing the experiences of the clients and of the service providers and relating these to the research that has been done on issues of decreasing access and increasing criminalization, we will lay the foundation needed for all of us to come together and finally begin to dispel the myth that mental illness and homelessness are the result of people choosing a lifestyle and that service providers are incompetent. These claims have gone unanswered far too long and the result, as we all see, is killing us.

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In theory, the mental health court system is a collaborative effort between judges, prosecutors, defense attorneys, caseworkers, and mental health professionals aimed at figuring out an appropriate treatment plan for

the offender. Some recent studies suggest that mental health courts substantially reduce recidivism, and others have shown that participation in mental health court increased defendants' access to long-term care, which would seem to disprove the whole services resistant argument that is so prevalent in the creation of these courts.

However, mental health courts also have significant drawbacks. In order to gain access to the mental health court, defendants must plead guilty to the crime they are accused of and agree to adhere to the courts recommendations or be remanded to the traditional court. These conditions are coercive and can also perpetuate the criminalization of people with mental illness. As one service provider noted, “in mental health court, people are often “remanded to custody” for non-compliance with court case management, which includes medications. To jail someone for not taking medication, especially if it is medication that causes extremely adverse side effects, is questionable from a legal standpoint, and from a treatment standpoint, it is barbaric. Everything described above then happens – people (lose) their income, health insurance, housing, and everything else.”

WRAP seeks to ensure that jails do not replace community-based mental health treatment services and that the hundreds of millions of dollars that are currently funding the whole bureaucratic process of criminalizing people instead be applied as an initial down payment toward the housing and treatment that is not only much more humane, but in the long run, much more affordable as well.

We'll use our collective strengths, organizing, outreach, research, public education, artwork and direct actions. We will continue to expand this network of organizations and cities, and we will train ourselves to ultimately bring down the whole oppressive system of policing poor people and poverty as a non-human broken window to be discarded and replaced.