



**Special Op-ed to the Chronicle Herald**  
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### **Addressing Mental Health Concerns Fails in Jails**

The province of Nova Scotia has received some recent criticism as to the current status of detention facilities such as accidental releases of inmates, an escaped inmate while transferred offsite, as well as the overcrowding of facilities. We believe while considering the issue of overcrowding, that it is important to highlight several issues that are of paramount importance in further understanding the complexity of issues associated with incarceration in Canada. The answer is not to build more jails and employ more prison guards, but rather take a closer look at the individuals who are overcrowding these jails and examine why they are there.

While the exact number is unknown, it has been estimated that as many as half of the incarcerated population suffers from mental illness(es), a substance abuse problem, and/or a learning disability. Because of a shortage of services and a lack of understanding by society, the mentally ill are not receiving the care they require and instead are being criminalized by being sent to prisons. Supreme Court Justice Beverly McLaughlin in a statement in on March 8<sup>th</sup>, 2007 stated that “Such people are not true criminals, not real wrong-doers in the traditional sense of those words. They become involved with the law because they are mentally ill, addicted or both.” Similarly, many police officers believe that mentally ill perpetrators represent a disproportionate number of individuals incarcerated for minor crimes. Some family members have noted that crimes may be committed or encouraged to be committed in order for the mentally ill person to be arrested. This may represent a “faint hope” that arrest will lead to treatment which for a variety of different reasons is not otherwise available.

Alternatives to the supposed deterrence of longer incarceration (which studies show is not effective in decreasing recidivism and stopping the “revolving door process”) that may meet the treatment needs of those with mental disorders include Drug Treatment Courts and Mental Health Courts. These courts attempt to identify and address the underlying causes of the criminal activity (such as behaviours associated with mental illness). Mental Health Courts have been successfully implemented in many parts of Canada, as well as the United States, and are specifically designed for those who have committed low level crimes (i.e. those who would be sentenced to incarceration in a provincial facility) and attempt to establish a connection to community-based treatment through the interventions of an interdisciplinary group of mental health professionals. Studies in the

United States show those who have gone through the Mental Health Court received more access to mental health services and spent fewer days in jail than if they were to be sentenced in a criminal court and fewer days than similar prior arrests.

These “problem-solving” courts are also more cost-effective for taxpayers. According to Juristat, Statistics Canada (2004-2005), the cost of incarcerating a federal prisoner was \$93,000 per year, and \$52,000 per year in a provincial institution. Approximately \$5-\$25 per day is spent on alternative such as probation, bail supervision and community supervision while it costs approximately \$8,000 for an individual to obtain addiction treatment through a Drug Treatment Court. We are aware that the Province of Nova Scotia is considering the development and implementation of similar Courts and we encourage the Department of Health to move ahead thoughtfully and expeditiously in this matter.

We need to move away from the common misconception that locking someone up and throwing away the key is an appropriate manner by which to address mental health problems in our society. Mental illness and addiction are health issues and are not effectively dealt with by the criminal justice system.

The independent audit called for by Justice Minister Cecil Clarke is inadequate as it is not addressing the pressing issues facing provincial jails such as those outlined within this article. Fundamental changes need to be made to the system.

*Ainslie McDougall, M.Sc. - IWK Health Centre*

*Dr. Stanley Kutcher - Sun Life Financial Chair in Adolescent Mental Health  
IWK Health Centre  
Professor, Department of Psychiatry, Dalhousie University*