

June 14, 2016

Tracy Eppard, Legislative Aide
c/o
Office of Senator R. Creigh Deeds
P.O. Box 5462
Charlottesville, VA 22905

RE: Criminal Justice Work Group
Mental Health and Criminal Justice

Dear Tracy,

Thank you for offering me the opportunity to address the Criminal Justice Work Group regarding the relationship between mental health and criminal justice. My comments focus on mental health.

My son is bipolar. He is now 26 years old. He first began exhibiting signs of mental illness when he was 16 years old. Up until this age, he was happy, well-adjusted, energetic outgoing young person. He graduated high school with an advanced degree, including 18 hours of college credits. He wanted to study history and english. In high school, he played football and received a \$2,000 scholarship given to a football player recommended by the high school coaches.

Arrested his senior year in high school for DUI, he first admitted his depression. In high school, we began family counseling; and he began to see a psychiatrist. Each time we thought he was on tract something would happen. Not taking his medicine, self-medicating, and by his sophomore year in college it became clear he could not manage. The downward spiral was quick and devastating. Having no personal experience with mental illness, I could not fathom how someone who one year seemed well adjusted and the next could no longer cope with the simplest problems.

Arrested 10 times in the last 10 years, I have become too familiar with the legal justice system. Hospitalized every April for the last 10 years, I have become too familiar with crisis centers at both medical hospitals and private facilities.

Most recently, he was in the Rappahannock Regional Jail. With this event, we refused to post his bail. He was not living at home, and he had been given notice that with any further arrest, he would be on his own. In this instance, he went 10 days without any medication and 20 days without his prescribed medication. Not until we called the jail, wrote Senator Deeds office, and let the jail know they were on notice of his mental health issues did the jail authority schedule a psychiatrist.

One day prior to him being charged, he was held on a temporary detainment order at John Randolph in Hopewell. I will note here that his stay with John Randolph lasted four days and he was discharged to a cab with no-where to live, no money, and no means for the follow up care listed in his discharge order.

Consistent with each arrest is the cession of his medication. Legal authorities have to take full responsibility for the health, safety, and welfare for each person arrested or detained. When our son was picked he had all of his medications on his person, each in the properly labeled container. The fact that he legally possessed the medication should be confirmation to the legal authorities that he has mental health issue. I understand, the jail will not take responsibility for administering medication; however, he should have seen someone immediately to ensure that he stayed on his properly prescribed medication for depression and bipolar.

Consistent with each crisis hospitalization is the lack of next step follow up. There is no facility for recovery beyond crisis. Actually, they do exist but are cost prohibitive because insurance only covers crisis care.

Consistent with each event described above is the staff (case workers, jail employees ect...) having complete understanding and empathy but with hands tied due to current system. Good people work in mental health; but, without resources they cannot always create success. Persons with mental health end up going from crisis to crisis because of the lack of transition care from the crisis situation to consistent behavior.

The difference between individuals who successfully live with mental illness and those who do not is the ability to have consistent behavior.

First fixes for mental health and criminal justice:

1. Legal authorities must accept full responsibility for the care of individuals arrested. We have legal system to protect the public and those arrested are a part of the public. This means immediate evaluation of anyone arrested and continuance of medication.
 - i. It is life threatening for individuals with mental health issues to be denied medication. Law enforcement because they are holding these individuals, must be fully responsible.
 - ii. Arguing that providing mental health care to persons held in jail or prison is too costly is unacceptable. The legal system created jails and prisons and must be responsible for health, safety, and general welfare of those individuals held.
 - iii. A better solution is funding community based mental health facilities that provide both inpatient and outpatient long and short-term care. Short-term care is reasonably available; however, longer-term care is out of reach of most individuals.
 - iv. Temporary detainment orders must include the ability of medical facilities to work with social workers to ensure housing and follow up care to those individuals held. My son's current legal issue would not exist if the hospital had not been so quick to authorize his release. Prior to his release, we called the hospital several times and informed them of the reason for the TOD, the fact that he was homeless, had no money, and no ability for follow up care. Our voice was ignored.
2. Law enforcement must be charged with crimes when individuals who are in custody have been harmed or die. It is not acceptable for law enforcement not to be fully responsible for those in their custody.

In closing, I hope the group understands that it is not possible to write a single letter to describe mental illness or the impact of mental illness on an individual or family. I pray that the group works with speed to address and make changes to the mental health care system in Virginia. I also hope that the committee reaches out to the agencies responsible for providing care and assistance, including the community based resources, the jails, the prisons and law enforcement. Those agencies and individuals know the problems, and they know how the resources they need to improve mental health care and the relationship between mental health and legal justice.

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A handwritten signature in black ink, appearing to be 'J. Green', with a long horizontal flourish extending to the right.