

The Criminalization Hypothesis: An Historical Policy Analysis

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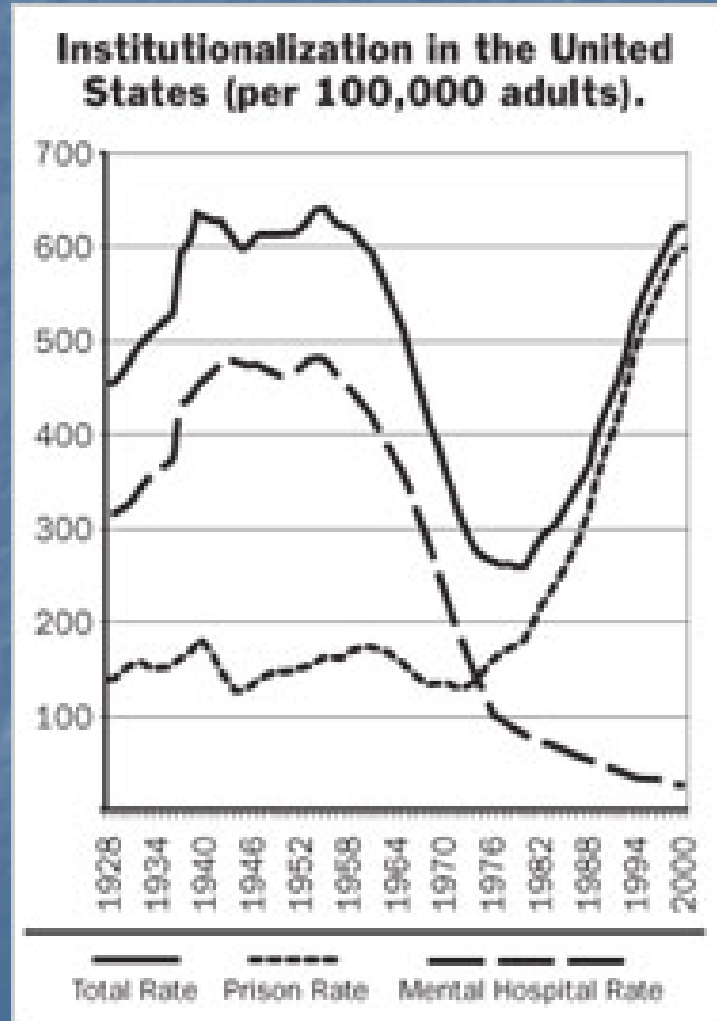
Framing the Problem

- People with mental illness are in the criminal justice system
- A changing criminal justice response to drug use
 - A high rate of co-occurring substance abuse among PWMI

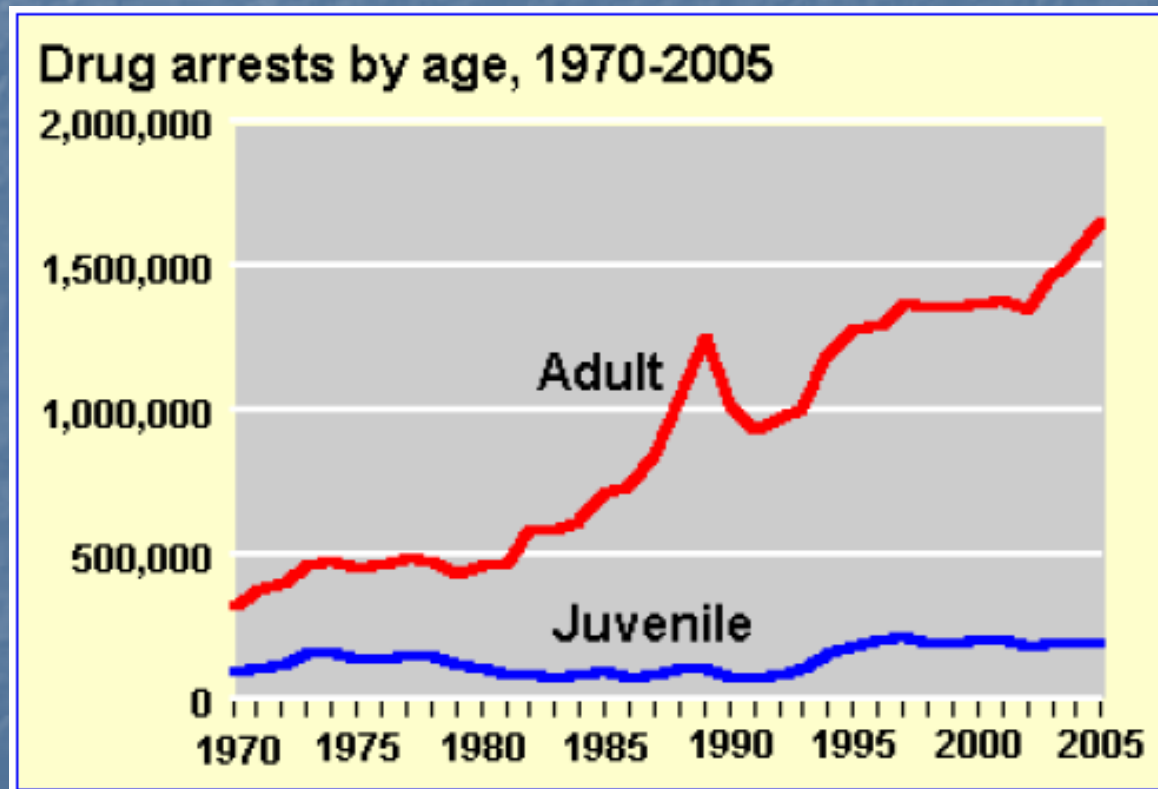
Framing the Problem: Incarceration

- Simultaneously, there has been an overall jump in the levels of incarceration
- What explains this jump in the level of incarceration?
 - Prisons as “poor mans mental health center”?
 - The propensity for substance abuse coupled with harsh drug laws?
 - Both?

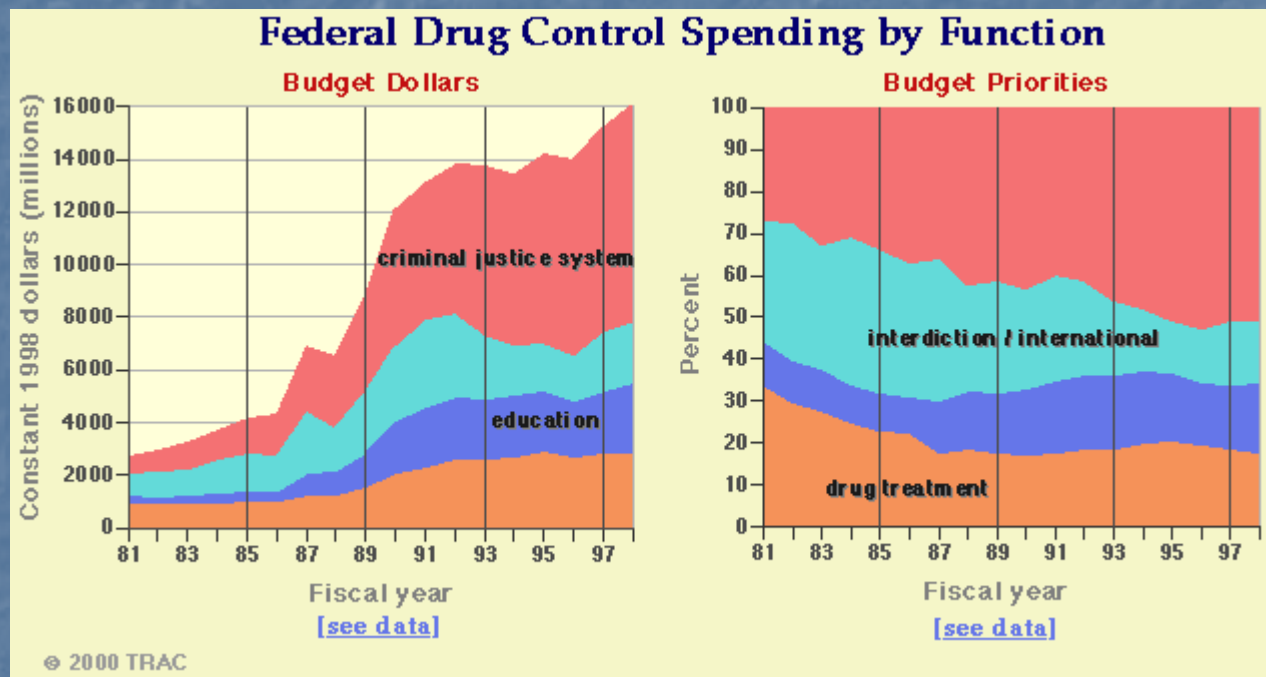
Penrose Based Argument



The Role of Drug Laws



A Focus on Drug Enforcement



Understanding the Mechanism for Involvement

- Penrose's Hydraulic Argument
 - Does not take into account the different populations in prisons and asylums
 - Assumes a natural level of incarceration
 - May not be proper level of analysis (cities vs. countries)
- Criminalization Hypothesis
 - Does not control for:
 - Unemployment
 - Economic Stagnation
 - Drug Culture
 - And other social-structural conditions
- Perhaps there is an even bigger story...

Institutions of social control ramp up and then lose steam

POORHOUSES
1900s



Social Welfare
Legislation

ASYLUMS
1950s



Community Mental
Health Care

PRISONS
2000s



Treatment??

If you build the beds, they will be filled

Social Control and Public Health

- Cities and counties are ill-prepared to address public health problems such as Mental Illness
 - Incapacitation can be best understood as a response to address dangerous/troublesome groups
- Following from Liska (1992)
 - Social control is best understood locally, here looking at resources for control either through health systems or Justice systems.

A New Conceptualization

In the 2000's the Penrose formulation needs to be updated to include:

- Capacity of the drug abuse treatment system
- Effectiveness of co-occurring treatment
- Differential access by social and economic status
- An historical context

Analysis

- Building a more complete model
- A complete model must control for:
 - Socio-economic differences
 - Incarceration trends
 - Deinstitutionalization trends
 - Change in Drug Laws
 - Drug arrest/incarceration trends

Implications

- This is not necessarily an emphasis on people with mental illness
- Extent and variety of substance abuse treatment options for people with SMI
- Quality and effectiveness of substance abuse treatment
 - Socioeconomic differences in availability

Next Steps

- A data-driven approach
- Future research to link reduction in jail stays & recidivism linked to quality of post jail connections to effective treatment?
- Evaluating responses to all public health problems
 - Creating an agenda that also examines drug addiction, and homelessness