

Treat Mental Illness of Juvenile Offenders Commentary

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WASHINGTON — The Andrea Yates trial taught us that earlier identification and treatment of mental illness might have prevented a tragedy of unspeakable horror — that of a mother murdering her own children.

Many people might be surprised to learn, though, that many mentally ill youths walk in and out of our juvenile courts without ever being noticed or treated.

The problem is that few states take mental illness seriously, and most do not assess the mental health needs of juvenile offenders.

Some seemingly view mental illness as a problem to be dealt with through neglect or abuse.

In the past two years, for example, Maryland's juvenile justice system has struggled to respond to allegations of mistreating mentally ill youths, including placing them in crisis units where they are kept naked.

In Georgia, the U.S. Justice Department recently found evidence of mentally ill youths shackled to beds and toilets.

The use of extended isolation, excessive or deadly bodily restraints and punishment for behaviors resulting from specific disorders has been documented in other states.

A preoccupation with punishment helps explain attitudes and policies toward youths with mental illness.

This preoccupation is odd, given that more than 100 years ago the juvenile court founders envisioned a system that would promote the best interests of youthful offenders.

Then, as now, the overwhelming majority of youths brought to court committed minor offenses.

Few if any are the "super predator" offenders whose specter drove the past decade's "get tough" efforts.

Mentally ill youths frequently go untreated in part because practitioners and the public believe that mental illness is rare. In reality, as many as 70 percent of youths referred to the courts suffer from mental disorders, a rate much greater than for the general youth population. Almost one-fifth of these youths are suicidal. Over half suffer from conduct disorders, attention-deficit/hyperactivity disorder, or from both a mental disorder and a substance abuse problem. For serious disorders, including schizophrenia, major depression and bipolar disorder, the combined prevalence approaches 20 percent, twice that in the general population.

What should be done? First, the mental health needs of all youths should be made a priority so that the courts do not become the last resort for help. As a judge from Dallas noted, "It's tragic. If you are a young person and mentally ill, you have to get arrested to receive treatment."

However, even within the juvenile justice system, mentally ill youths frequently go unidentified. For this reason, all youths referred to court should be screened for potential mental health problems. At the same time, judges, prosecutors, probation officers and defense attorneys should be educated about how to advocate for the mentally ill.

Prevention, early intervention and community-based treatment programs targeting high-needs youths also should be implemented. These programs can be cost-effective in reducing crime and can help youths to become healthy, contributing members of society. This is the step that Texas adopted during its recent legislative session, providing funding for a pilot program that will divert youths with mental health needs from the justice system.

Reorienting juvenile justice from punishment toward treatment and rehabilitation would better reflect the philosophy of the early courts. But there is a more pragmatic consideration: Early identification and treatment of mental illness can reduce expenditures on costly and potentially unnecessary and ineffective "get tough" measures, such as boot camps, incarceration and transfer to the adult system. They also can provide

thousands of youths the foothold they need to become productive members of society.

Should we forget about punishment? Hardly. Youths should be held accountable for their actions. To do otherwise is a disservice to them and their victims, and it sends a dangerous message to would-be offenders.

But to focus only on punishment is to miss the forest for the trees — most youths entering the justice system are there for minor offenses and most suffer from mental health problems that can and should be addressed.

As states move forward with reforming their juvenile justice systems, they would do well to remember this.

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