

Use of gas on mentally ill prisoners must end

By TALBOT "SANDY" D'ALEMBERTE, Special to the Times

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Last week, Florida Chief Justice Fred Lewis brought forward the report by a court committee addressing the very substantial issues of mental illness and the criminal justice system.

This impressive report made by Judge Steven Leifman reminded us that the use of jails and prisons to deal with mentally ill citizens is not only morally wrong, it is fiscally stupid.

Lewis observed, "The increasing numbers of people with mental illness appearing in criminal courts, and the frequency with which these people cycle through our prisons and jails have become a crisis in Florida." The committee report recommended that Florida's prisons cease serving as expensive warehouses for Florida's mentally ill residents.

While state officials deal with the overall system problem, Corrections Secretary Jim McDonough needs to look closely at the way mentally ill prisoners are being treated.

The Florida Department of Corrections currently houses over 90,000 inmates, yet has only about 500 beds specifically designed to provide treatment to mentally ill inmates.

The Department of Corrections recognizes in its budget submission that there is "a shortage of mental health inpatient beds, expected to be exacerbated by projected inmate growth over the next few years."

Ideally, Florida would house its mentally ill prisoners separate from the rest of the prisoner population, so that they can receive treatment. Until that is done, these inmates will be kept in general population prisons without the mental health treatment they need.

A major problem created by housing mentally ill inmates in prisons not designed for them relates to discipline of prisoners.

Mentally ill inmates often do not behave appropriately - they yell and bang on their cell doors, they sing loudly and repeat words and phrases over and over. The guards' response often has been to gas unruly prisoners with chemical agents simply for these manifestations of their illnesses, even though the prisoners are alone in 9-by-7 cells and can not hurt anyone. The guards open a food flap or use a crack in the door.

Every year, the Department of Corrections permits the gassing of hundreds of mentally ill inmates as a means to "control" inmates. When they are housed in prisons designed to hold mentally ill prisoners staffed with competent personnel, inmates receive counseling and other treatment for the same physical manifestations.

Numerous mentally ill inmates have been gassed more than 20 times in Florida's prisons, transferred in and out of inpatient care to address the mental health destabilization that occurs each time they are gassed. The Department of Corrections knows about this problem, and refers to these inmates as "frequent fliers," yet it has not provided the

mental health counseling nor adopted regulations to provide alternatives to the brutal gassing of sick prisoners.

Florida's problems - a lack of community mental health treatment identified so clearly in the report released last week and the failure of the Florida Department of Corrections to appropriately treat mentally ill inmates - can be fixed.

Some of the long-term solutions to the problems identified by the Leifman committee will be expensive, but the unnecessary gassing of mentally ill inmates can be fixed immediately.

Luckily, we have a secretary of corrections, Jim McDonough, who has not tolerated abuse of prisoners and who has been very diligent in bringing reform to our prison system. I have never felt so good about Florida's prison administration. McDonough has brought a rational and humane approach to corrections and he has demonstrated the courage to act on his principles.

This makes me optimistic that the important initiatives started by Chief Justice Lewis and the report of the Leifman committee will be complemented by Department of Corrections rules prohibiting the gassing of mentally ill prisoners.

Ignoring the problems the court committee identifies and continuing the practice of gassing mentally ill prisoners flagrantly violates the principles of the United Nations Minimum Standards for the Treatment of Prisoners and will lead to a further loss of America's reputation as a nation that cares about human rights.

If the Eighth Amendment right to be free from cruel and unusual punishment means anything, surely it means that mentally ill prisoners should not be gassed with chemical agents when posing no threat to themselves or others. Indeed, in a consent decree entered by federal court this week, Mississippi acknowledges its obligation to treat the mentally ill humanely and commits to corrective action.

We ought not wait for court action or international condemnation but should proceed to deal with the problems of mental illness in our criminal justice system that have been so clearly documented.

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