

Statement of Senator Franken (D-Minn.)
Hearing on
“Breaking the Cycle: Mental Health and the Justice System”
February 10, 2016

I'd like to thank Chairman Grassley for holding this hearing on mental health in our criminal justice system. This is an important issue, and a bipartisan issue. Last year, I reintroduced legislation—called the Comprehensive Justice & Mental Health Act—to improve access to mental health services for people who come into contact with the justice system. My bill has always enjoyed broad bipartisan support, both in the Senate and in the House, and I was pleased that Senator Cornyn agreed to serve as the lead Republican cosponsor. It passed the Senate in December, and I understand that it was recently approved by the House Judiciary Committee and stands ready to soon pass the House as well. In fact, Speaker Ryan identified the bill as one of the consensus measures he expects to pass this year. So I'm heartened to see this issue getting the attention it deserves—from both sides of the aisle.

The United States has five percent of the world's population, but we have 25 percent of the world's prison population—in large part because we've criminalized mental illness. People with mental health conditions disproportionately are arrested and incarcerated. And as we will hear today, that's because the United States lacks the infrastructure necessary to help them find stability. We don't provide people who suffer from a mental illness with the care, community support, or housing assistance that could help them avert a crisis. We don't provide them with treatment. Instead, we let them fall through the cracks and languish in prison.

As Hennepin County Sheriff Rich Stanek, from my home state, said, “Local jails are the largest mental health facilities in the state of Minnesota.” And this holds true across the nation. Sheriff Stanek called it “society's dirty little secret.” Right now, in most jurisdictions in our country, we are using our criminal justice system as a substitute for a fully functioning mental health system. That doesn't make sense. It doesn't make sense for law enforcement officers, who often put their lives at risk when they are called upon to intervene in a mental health crisis. It doesn't make sense for courts, which are inundated with cases involving people with mental illness. It doesn't make sense for people who have mental health conditions, who often would benefit more from treatment and intensive supervision than from incarceration. And it certainly doesn't make sense for taxpayers, who foot the bill for high incarceration costs and overcrowded correctional facilities—and who must pay again when untreated mentally ill prisoners are released back into society, often in worse shape than when they were first locked up.

Congress recognized this to be a problem in 2004, when it passed the Mentally Ill Offender Treatment and Crime Reduction Act—or “MIOTCRA.” MIOTCRA supports innovative programs that bring together mental health and criminal justice agencies to address

the unique needs of people with mental health disorders. My bill to reauthorize MIOTCRA—the Comprehensive Justice & Mental Health Act—would continue federal support for mental health courts, crisis intervention teams, and corrections-based services for people with mental illness. And it would expand on the law to invest in veterans treatment courts, and to train local, state, and federal law enforcement officers how to recognize and respond appropriately to mental health crises—training that protects police officers and saves lives.

These programs are important. Not just because they make it possible for state and local jurisdictions to better shoulder the burden that mentally ill offenders place on their facilities and their officers, but because research has shown that these programs work. Police officers who have received CIT training report being more prepared when called to the scene of a mental health crisis. Jurisdictions that connect law enforcement with mental health professionals and training opportunities experience a decrease in arrests and an increase in access to treatment for people with mental illness—treatment that reduces recidivism and therefore reduces cost. But it's important to note that the grant opportunities supporting this work—the programs that would be reauthorized by my bill—are the only programs at the Department of Justice that address how our criminal justice system meets the needs of offenders with mental illness.

So it's long past time for Congress to take action. Enacting the Comprehensive Justice and Mental Health Act is an important first step, and will ensure that these programs remain available. The Senate passed my bill in December, and I was pleased to see that it was unanimously approved by the House Judiciary Committee last month. But I look forward to hearing from today's witnesses about the good work being done in their states and communities, and learning how Congress can better support those efforts.

#####