

Treatment in the Criminal Justice System

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Types of Correctional Facilities

Pretrial Facilities (jails or detention centers)

- Generally run by city or county
- Length of confinement generally short term (< one year)
- Higher acuity, more crisis driven

Sentenced Offender Facilities (prison)

- Administered by Department of Public Safety and Correctional Services
- Range of security levels: pre-release, minimum, medium, maximum
- Length of confinement longer (> one year to life)

Right to Access Care

Estelle v Gamble 429 U.S. 97 (1976)

Thurgood Marshall:

“We therefore conclude that deliberate indifference to serious medical needs of prisoners constitutes the "unnecessary and wanton infliction of pain," proscribed by the Eighth Amendment. This is true whether the indifference is manifested by prison doctors in their response to the prisoner's needs or by prison guards in intentionally denying or delaying access to medical care or intentionally interfering with the treatment once prescribed.”

What is “deliberate indifference” and “serious medical need”?

- Self-injurious behavior or suicide attempt
- Disruptive or aggressive behavior
- Bizarre or disorganized behavior
- Hallucinations or delusions
- Depression not universally recognized as “serious”

Correctional Health Care: Standards and Delivery

National Commission for Correctional Health Care

- 24 hour suicide risk assessment
- 7 day receiving screen
- Chronic care services
- Sick call services
- Psychological/counseling services
- Access to infirmary or hospital level care
- Facility may or may not have specialized housing step-down

Correctional clinicians bound by same mental health laws as community clinicians (eg. mandatory reporting, duty to warn/protect)

Clinical Issues Unique to Corrections

- Formulary issues
- Medical delivery systems (pill line versus medication cart)
- No PRNs or mouth checks
- Need to minimize medication frequency
- Release planning issues (cost of medication relevant to patient too!)
- Custody is part of treatment “team” (collateral information)
- Environmental safety as suicide risk factor
- Length of stay! (2.5 years versus community length of stay)
- ***No clinical review panels***
- ***No mental status change workups***

My Patient Is In Jail, What Do I Do?

§ 4-307. Confidentiality of mental health records; disclosure Permitted disclosure, transfers

(k)(1) A health care provider shall disclose a medical record without the authorization of a person in interest:

(i) To the medical or mental health director of a juvenile or adult detention or correctional facility or to another inpatient provider of mental health services in connection with the transfer of a recipient from an inpatient provider, if:

1. The health care provider with the records has determined that disclosure is necessary for the continuing provision of mental health services; and
2. The recipient is transferred

What About Rehabilitation?

- Purposes of criminal punishment:
 - Retribution
 - Deterrence
 - Incapacitation
 - Rehabilitation
- Even though offender rehabilitation is one of the four recognized purposes of a criminal sentence, there is no US Constitutional right to rehabilitation in prison

What About Rehabilitation?

- Education for < age 21 (GED classes)
- Average reading level of Maryland prisoner: 5th to 8th grade
- Special education services
- New tablet program with GED/other educational software
- Vocational training
- Parenting classes
- Anger management
- NA/AA meetings

What About Rehabilitation?

Architectural CADD (1)	Pre-Apprenticeship Electrical (1)
Auto Body Repair (1)	Pre-Apprenticeship Facilities Maintenance (1)
Automotive Maintenance & Inspection (5)	Pre-Apprenticeship HVAC/R (2)
Barber Stylist (3)	Pre-Apprenticeship Masonry (3)
Building Maintenance (1)	Pre-Apprenticeship Plumbing (2)
Diesel Automotive Technology (3)	Pre-Apprenticeship Sheet Metal (1)
Graphic Arts and Design (3)	Pre-Apprenticeship Welding (1)
Hospitality (1)	Print Communication (2)
Introduction to Word and Excel (2)	Roofing (1)
Office Technology (5)	Small Engine Repair (1)
Office Practice and Management (1)	Warehouse/Distribution (2)
Pre-Apprenticeship Carpentry (3)	Woodworking/Finish Carpentry (1)
Certified Peer Recovery Specialist (1)	

(*) Indicates the number of schools offering this program National Certificate

The Patuxent Institute

Originally opened as a “therapeutic prison” in the 1950s

Three main programs:

- Youthful offender program
- 31B program
- CMHC-J infirmary
- Women’s program

Requires judge’s recommendation for 31B, youthful offender program

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