

MENTAL HEALTH TREATMENT

What is mental health treatment in the federal probation and pretrial services system?

Mental health treatment is a risk management tool that helps U.S. probation and pretrial services officers supervise, or monitor, defendants and offenders in the community. Mental health treatment may include such services as psychological/psychiatric testing and individual, family, or group counseling by a psychologist, psychiatrist, or other licensed practitioner. It also may include medication.

Who receives mental health treatment?

Mental health treatment is ordered either by the U.S. district court or by the U.S. Parole Commission as a condition of releasing individuals under federal supervision to the community. These persons either are on probation, parole, or supervised release after being in prison, under pretrial supervision while awaiting a court appearance, or conditionally released after incarceration at a Bureau of Prisons mental health facility.

What is the purpose of mental health treatment?

Mental health treatment gives officers the means to directly address the individual's mental health condition. For offenders under post-conviction supervision, treatment helps officers enforce the conditions imposed by the court or Parole Commission, control the danger defendants and offenders may pose to society, deter criminal behavior, and promote law-abiding behavior. For defendants under pretrial supervision, treatment helps officers reasonably assure that these persons appear in court and that society is protected from potential harm.

When is a defendant or offender considered to be suffering from a mental health disorder?

According to the *Guide to Judiciary Policies and Procedures*, a defendant or offender is considered to be suffering from some form of mental disease or defect when the individual's behavior or feelings

deviate so substantially from the norm as to indicate disorganized thinking, perception, mood, orientation, and memory. Mental health disease or defect may range from the mildly maladaptive to the profoundly psychotic and may result in unrealistic or aberrant behavior, grossly impaired judgment, inability to control impulses or to care for oneself or meet the demands of daily life, loss of contact with reality, or violence to oneself or others.

How do officers identify mentally disordered persons?

Individuals may come to the probation or pretrial services office already diagnosed with a mental disorder. Or, officers may identify these persons through information in case files, interviews with the individuals and their families and friends, or consultation with mental health professionals.

How many mentally disordered persons do U.S. probation and pretrial services officers supervise?

Currently, of the more than 98,000 persons under the supervision of U.S. probation and pretrial services officers, almost 9,000 are mentally disordered. Although the number of mentally disordered defendants and offenders under supervision is relatively small, the persons in this particular group can be especially challenging to supervise.

How is supervising these individuals difficult?

Compared to the average defendant or offender, the mentally disordered person under supervision routinely needs more intensive monitoring, is potentially more dangerous, and often requires specialized or individualized treatment. What these individuals may suffer from ranges from anxiety and depression to more serious disorders such as bipolar disorder, schizophrenia, or pedophilia. Many of them are dually diagnosed, having both mental health and substance abuse problems. Because of the complexity of these cases, the federal probation and pretrial services system has designated some of its officers as mental health specialists. More often than not, these specialists have a background in mental health and, in some cases, are licensed clinical social workers or psychologists. The mental

health specialists are skilled in identifying mentally disordered offenders, in brokering community treatment services, and in working with treatment providers.

What role do officers play in supervising mentally disordered defendants and offenders?

The *Guide to Judiciary Policies and Procedures* clearly sets forth officers' duties to conduct prerelease or presentence investigations for the court and to supervise defendants and offenders in the community. Officers play a crucial role in assessing dangerousness and the risk defendants and offenders may pose to themselves and others. Fulfilling such responsibilities requires officers to maintain knowledge of the persons under their supervision, make correctional treatment available to them, enforce the conditions of release imposed by the court or Parole Commission, and report violations of these conditions according to established standards and procedures.

Who provides mental health treatment to defendants and offenders?

Counselors, clinicians, and other professionals in the community provide treatment under an agreement with the United States courts. The Director of the Administrative Office of the U.S. Courts, under 18 U.S.C. § 3672, has the authority to "contract with any appropriate public or private agency or person for the detection of and care in the community of . . . a person suffering from a psychiatric disorder . . ." Blanket purchase agreements or purchase orders are awarded through a competitive process. The officer serves as *coordinator* of treatment services, matching the defendant or offender with appropriate treatment providers, monitoring the person's progress in and compliance with treatment, controlling procurement funds, and overseeing the various treatment providers.

What services do mental health contractors provide?

No single treatment approach will help every person who requires mental health treatment. To be able to address defendants' and offenders' individual needs, officers must solicit for various services, including:

- 7 Psychological/psychiatric evaluation and testing
- 7 Individual, group, and family counseling

- Sex offender-specific individual or group therapy
- 7 Psychosexual evaluations for sex offenders
- 7 Polygraph testing for sex offenders
- 7 Substance abuse counseling
- Medication
- 7 Transportation to and from treatment facilities
- 7 Emergency financial assistance for food or clothing
- 7 Clinical consultation between officers and mental health professionals to discuss supervision issues

What are the benefits of mental health treatment?

Mental health treatment helps defendants and offenders in many ways. It helps individuals address issues that may have led to their problems with the law. Treatment gives these individuals the tools to handle life's stresses and to function better in the community. Treatment helps officers monitor the danger defendants and offenders may pose to the community and provides a way to ensure that persons under supervision comply with the general and the special conditions of release the court or Parole Commission imposed.

What if treatment is not successful?

While officers may try various treatment approaches and increasingly severe sanctions with mentally disordered defendants and offenders, they may find it necessary to initiate revocation proceedings if these persons do not comply with the conditions of release. Often, officers must initiate such proceedings because these individuals pose a potential threat to society.

Federal Corrections and Supervision Division
 Administrative Office of the U.S. Courts
 September 2000