

**Opening Statement of Senator Dick Durbin
Chairman, Subcommittee on Human Rights and the Law
Hearing on “Human Rights at Home:
Mental Illness in U.S. Prisons and Jails”
September 15, 2009**

As Prepared for Delivery

This hearing of the Human Rights and the Law Subcommittee will come to order. The subject of today’s hearing is “Human Rights at Home: Mental Illness in U.S. Prisons and Jails.”

Introduction

At the outset, I want to thank Judiciary Committee Chairman Pat Leahy for reestablishing this Subcommittee. This is yet another measure of Senator Leahy’s longstanding commitment to human rights. I also want to thank Senator Jeff Sessions, the Committee’s Ranking Member, for his support for this Subcommittee.

Finally, I want to express my appreciation to Senator Tom Coburn for again serving as the Ranking Member of this Subcommittee. Senator Coburn and I have had a very cooperative and productive relationship, which I look forward to continuing.

Human Rights at Home

In the 110th Congress, the Human Rights and the Law Subcommittee focused and reflected on issues like genocide in Darfur, internet censorship in China, and rape as a weapon of war in the Democratic Republic of Congo. But we must also reflect on ourselves.

Today in the United States, more than 2.3 million people are imprisoned. This is – by far – the most prisoners of any country in the world and – by far – the highest per capita rate of prisoners in the world. African Americans are incarcerated at nearly six times the rate of whites. And many of these prisoners are nonviolent drug offenders and individuals with serious and persistent mental illness.

Senator Webb has introduced legislation that would create a commission to examine our criminal justice system and make recommendations for reform. This comprehensive review is much-needed and long overdue. But there are critical reforms needed now and we should not wait to address them.

Earlier this year, Senator Graham and I held a hearing on the sentencing disparity between crack and powder cocaine, which leads to excessive prison sentences for many non-violent drug offenders. We are working with Senator Coburn, Chairman Leahy, Ranking Member Sessions and other colleagues on the Judiciary Committee on legislation to address this problem.

Mental Illness in Prisons and Jails

Today, we are going to address another aspect of our criminal justice system that raises important human rights issues: the treatment of mental illness in U.S. prisons and jails.

The late Paul Simon, my friend and mentor, first brought this issue to my attention many years ago and the problem has only grown worse since then.

In a 2006 study, the Bureau of Justice Statistics found that more than half of all prison and jail inmates, including 45 percent of federal prisoners, 56 percent of state prisoners, and 64 percent of local jail inmates suffer from a mental health problem.

In fact, the three largest mental health facilities in the United States are Los Angeles County Jail, Rikers Island Jail, and Cook County Jail.

Women and children are especially vulnerable. BJS found that 61 percent of females in federal prisons have mental health problems, compared to 44 percent of males.

According to a recent survey, nearly two thirds of boys and three quarters of girls detained in juvenile facilities in Cook County, Illinois, have at least one mental illness. Juvenile offenders with serious mental illnesses are more likely to be abused by other juvenile offenders and to have their incarceration extended because of conduct related to their mental illnesses.

By allowing our prisons and jails to become our nation's primary provider of mental health services, we have taken a step backward in the effort to protect the human rights of people with mental illness. Two hundred years ago, people with mental illness were incarcerated in jails and prisons. By the beginning of the twentieth century, we transitioned to a system of state mental hospitals. Growing public revulsion about conditions in mental hospitals led to the deinstitutionalization movement in the second half of the twentieth century. Community mental health services were supposed to replace state mental hospitals, but sufficient services have never been available. It is stunning to read that eight years ago the GAO found that 9000 children were surrendered to juvenile justice systems so that they could receive mental health services.

As a result of all this, many people with mental illness cycle in and out of correctional institutions, presenting a danger to themselves, correctional officers, and the public. We have returned to the loathsome, indefensible practice of incarcerating the mentally ill.

While in prison, many mentally ill prisoners have limited or no access to mental health services and their conditions frequently deteriorate. They often have difficulty complying with prison rules and, as a result, are disproportionately represented in solitary confinement, which exacerbates mental illness.

I am deeply troubled by reports about conditions for persons with mental illness at Tamms Correctional Center, a super-maximum security facility in my home state of Illinois. Governor Quinn recently ordered a review of Tamms and I look forward to discussing this issue with one of our witnesses, Michael Randle, who heads the Illinois Department of Corrections.

And I want to salute Gary Marx of the Chicago Tribune and especially George Pawlaczyk and Beth Hundsdorfer of the Belleville News-Democrat for their provocative and thorough articles on the Tamms Correctional Center.

I also look forward to hearing from our witnesses about best practices for dealing with people with mental illness in the criminal justice system, including mental health courts to divert appropriate individuals into mental health treatment and a continuum of care for incarcerated individuals from entry screening to discharge planning.

The United States was founded on the principle that all people are created equal and endowed with certain inalienable rights. This was, and still is, the promise of America. For generations, this singular idea has inspired freedom fighters, toppled ruthless dictators, and given hope to the disempowered and disenfranchised around the world. We must keep faith with our founders by working to keep America's promise at home and abroad.

That is true even for, in fact especially for, the least among us – whether it is a crack addict serving a mandatory minimum sentence or a person with mental illness who cycles endlessly through shelters, hospitals, jails, and prisons. This is the right thing to do, but it also is the smart thing to do because it will keep police and corrections officers and the public safer and dramatically reduce costs for incarceration at a time of fiscal crisis for many states.