

Mental Illness and Assault on Law Enforcement Charges: Prevalence Estimates Related to HB 613 and SB 453

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Slides based upon:

Zelle, H., Agee, E.R., & Kelley, S. (2020, March). Mental illness and assault on law enforcement charges: Disparities in criminal justice outcomes. Paper presented at the annual conference of the *American Psychology-Law Society*, New Orleans, LA.

Zelle, H., Kelley, S. M., Agee, E. R. (in press). Police interactions with persons with mental illness. In R. Roesch (Ed.) *Routledge Encyclopedia of Psychology in the Real World: Vol. Psychology and Law*. Routledge.

CONTENTS

1. Topic background
2. Data, methodological considerations
3. Findings

Background

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Context

- Several areas for study at intersection of mental illness and policing
 - Outcomes of interactions between police and persons with mental illness (PwMI) – this study
 - Police role in addressing mental health crises
 - Police experience of mental illness
 - Etc.
- Where our interest in finding data came from
 - Colleagues conducting forensic evaluations such as Competence to Stand Trial
 - Saw several cases in which
 - person was experiencing mental health crisis,
 - police were called for assistance,
 - seemingly minimal physical contact and no injury,
 - person with no previous criminal history now with a felony charge and substantial life disruption

Research Literature Highlights

- PwMI appear to have higher rates of arrest than persons who are not mentally ill, though estimates vary
- Estimates of the frequency of PwMI—police contact also vary
 - Some suggest 7-10% of police encounters involve PwMI
 - Recent meta-analysis found
 - only 1 in 100 police dispatches involve PwMI
 - 12% of people accessing services had police involved in pathway to services
 - Locality-specific estimates may be higher depending on resources available
- → Regardless of prevalence, these encounters can result in significant, life-altering outcomes for PwMI

(Borum, Deane, Steadman, Morrissey, 1998; Livingston, 2016; Wolff, 1998; Franz & Borum, 2011)

Consequences for PwMI in Criminal Justice System



Mental health may deteriorate due to environmental factors and lack of psychiatric treatment in jail



Disruption of schooling or employment



Lost eligibility for medical benefits while incarcerated



Navigate court system, likely prolonged with court ordered forensic evaluations



Establishes or extends criminal history



Burdensome court fines and fees (particularly given high rates of homelessness and poverty within PwMI population)



Delay access to most appropriate psychiatric treatment (in the community)

Data and Methods

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Virginia Datasets

- Offenses occurring 01/01/2009 through 12/31/2018
- Publicly available criminal justice data
 - Data from www.virginiacourtdata.org
 - General district court data from 31 jurisdictions
 - Circuit court data from 29 jurisdictions
- Not publicly available mental health data
 - Supreme Court of Virginia data regarding civil commitment
- Matching algorithm (name, sex, birth month, birth day)
 - Randomly assigned person IDs, then identifiers removed

Assault on Law Enforcement Charges

- Charges of interest identified using
 - Charge name text field
 - Virginia Code section text field
 - Manual review and cleaning
- Collectively referred to as Assault on Law Enforcement Officer (ALEO) charges
 - Coded into three subcategories:

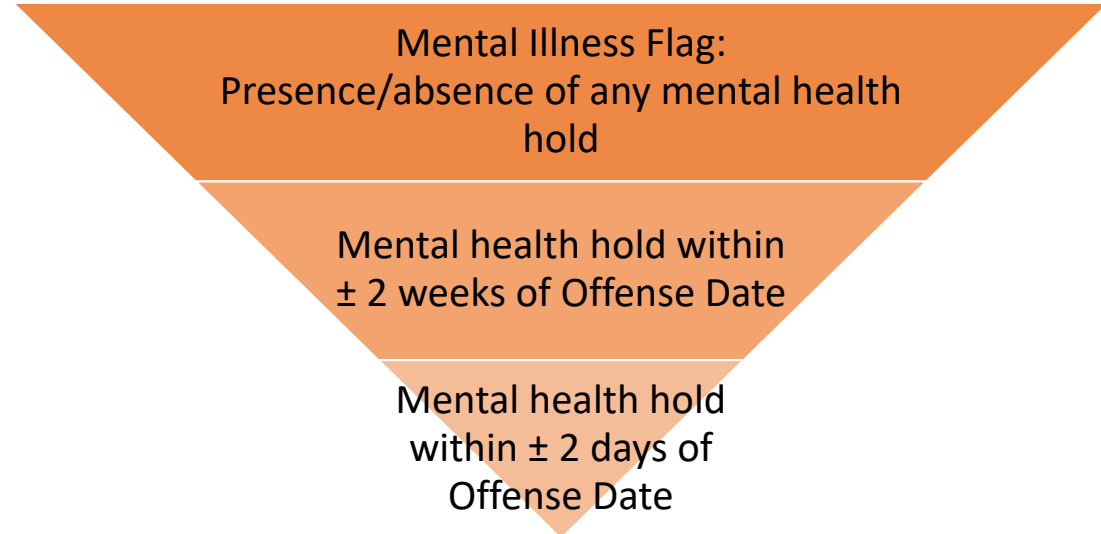
Note: Cleaning and coding of charges required hundreds of hours of research assistant work

Assault & Battery of LEO (AB/LEO)	Violent Offense against LEO (Violent LEO)	Other Charges from Interactions (Other LEO)
Simple assault, Assault and battery	E.g., Malicious bodily injury	E.g., Resisting arrest

How 'Flagged' Mental Illness

- Available in mental health dataset
 - Issuance of an order for a mental health hold
 - Date of issuance of the order
 - Time of issuance of the order

- Used to identify:



Data Summary

- Criminal charge data linked to mental health data does not exist ‘in the wild’
- Current administrative data requires substantial efforts to ready it for sound research
- Dataset created not as complete as would want, but is comprehensive
- Given limitations of the ‘mental illness flag,’ all results are very likely to underestimate true rates
- Nonetheless, this is currently the best available for getting a sense of the landscape

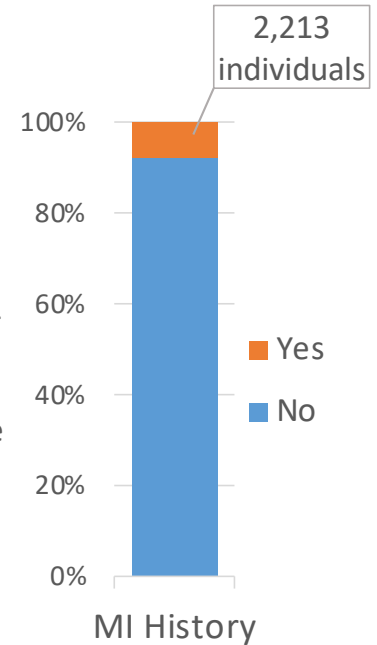
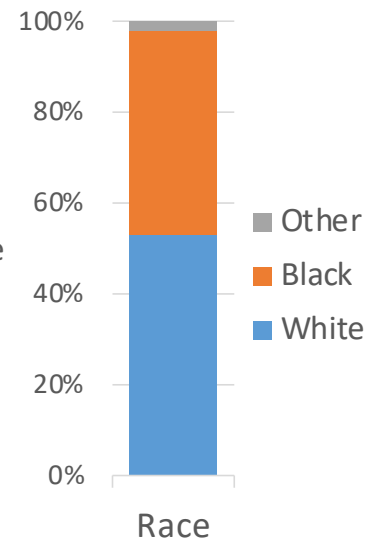
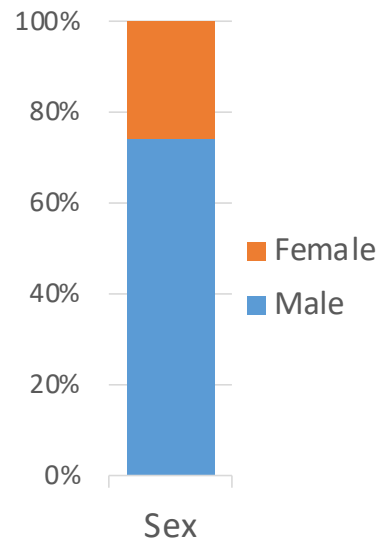
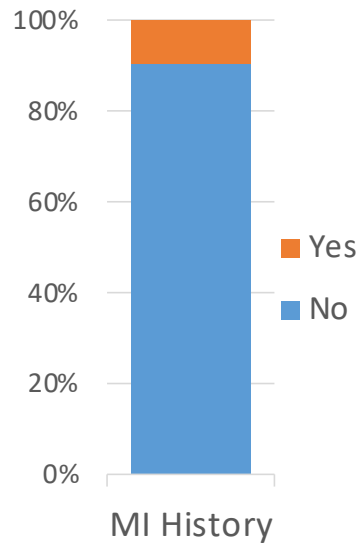
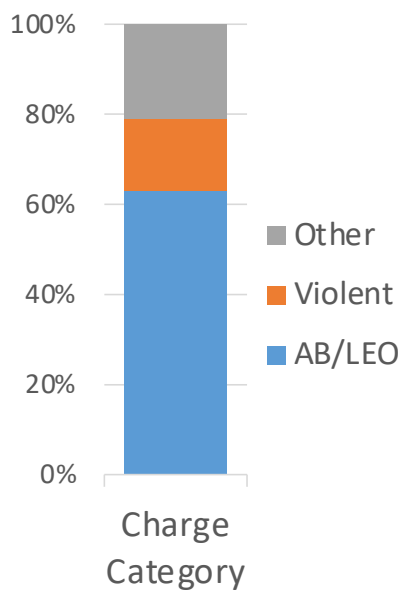
Findings

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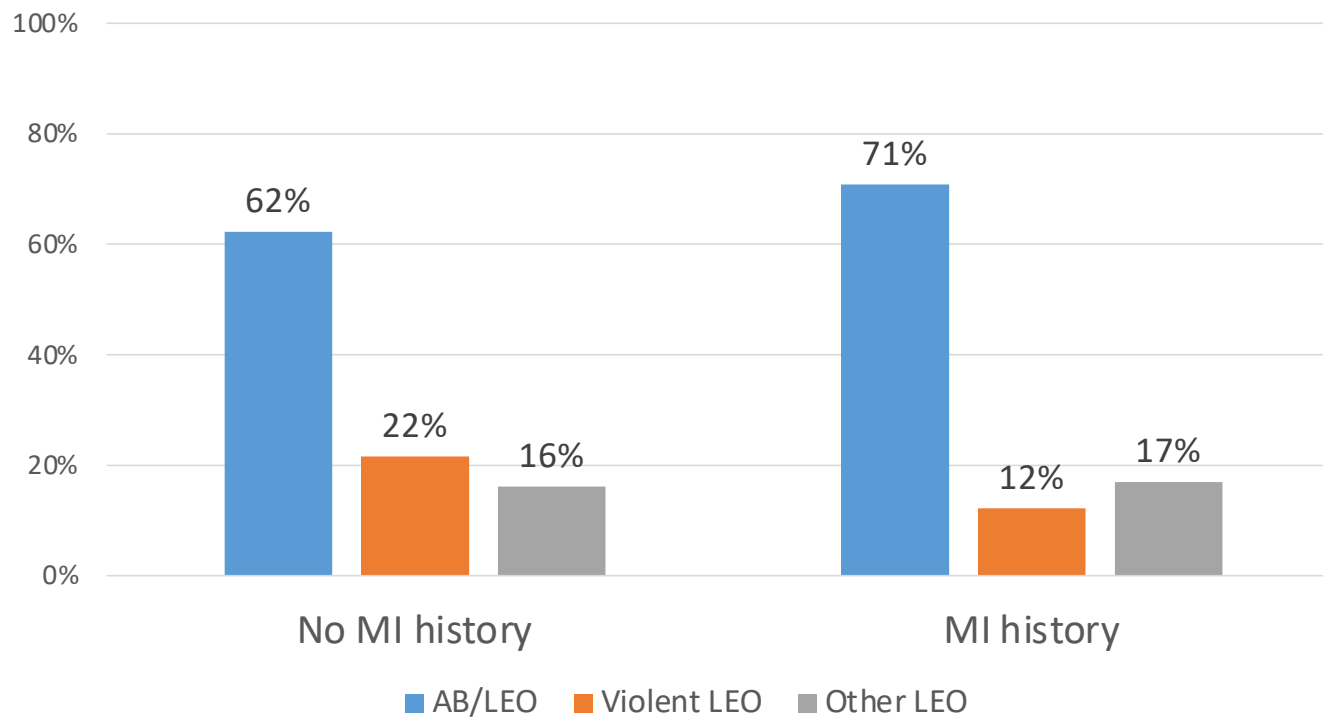
Sample Demographics

- 33,548 unique ALEO charges

- 28,740 unique individuals



Prevalence of Charge Type within Each Subgroup



Dispositions of AB/LEO Cases*

(*Data on this slide are derived from an earlier analysis with a subset of cases 1/2005-10/2015)

	No Known MH History (N ¹ = 9,444)	MH History ² (N = 1,206)	MH Order ± 14 days (N = 191)
% Dispositions			
Guilty (plea trial)	76.8 (71.5) (27.7)	80.5 (76.0) (23.3)	69.6 (76.7) (22.6)
Not guilty	3.0	1.7	3.1
NGRI	1.2	3.2	8.9
Nolle prossed	12.5	9.6	10.5
Dismissed	3.7	3.0	4.2
Avg. Arrest to Disposition	250.0 days	261.9 days	293.9 days
% Reduced to Misdemeanor	25.2	26.1	31.4

¹Ns are counts of charges, not individuals ²Including 'MH Order ± 14 days' cases

Criminal Sentencing Outcomes

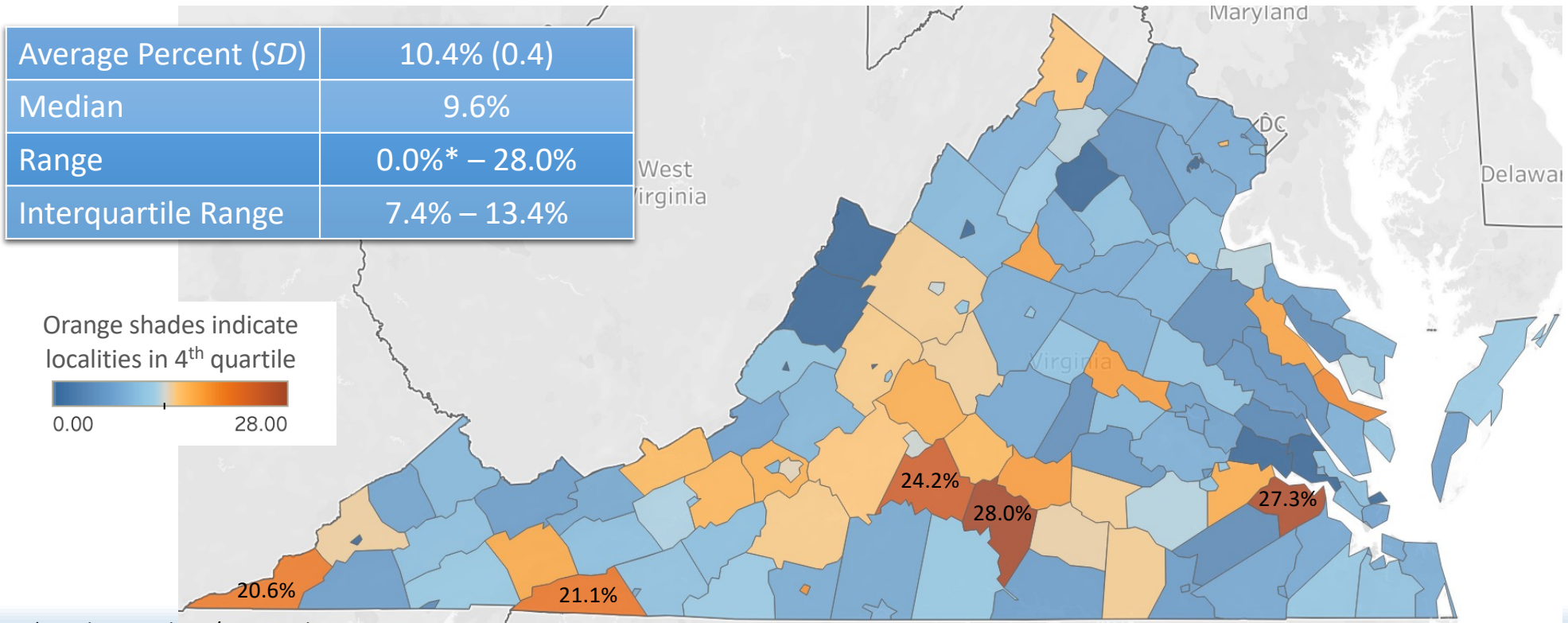
		# people	Average # days	Median	Max*
Incarceration	No MI History	25,447	79.3	0.0	6,572
	MI History	2,653	94.8	6.0	4,030

*99.3% cases
≤ 730 days

		# people	Average \$	Median	Max*
Fine	No MI History	6,613	114.9	0.0	5,000
	MI History	710	87.1	0.0	3,000

*97.3% cases
≤ \$500

Percent of ALEO Charges Involving Person with Mental Illness



*Localities with no/missing data

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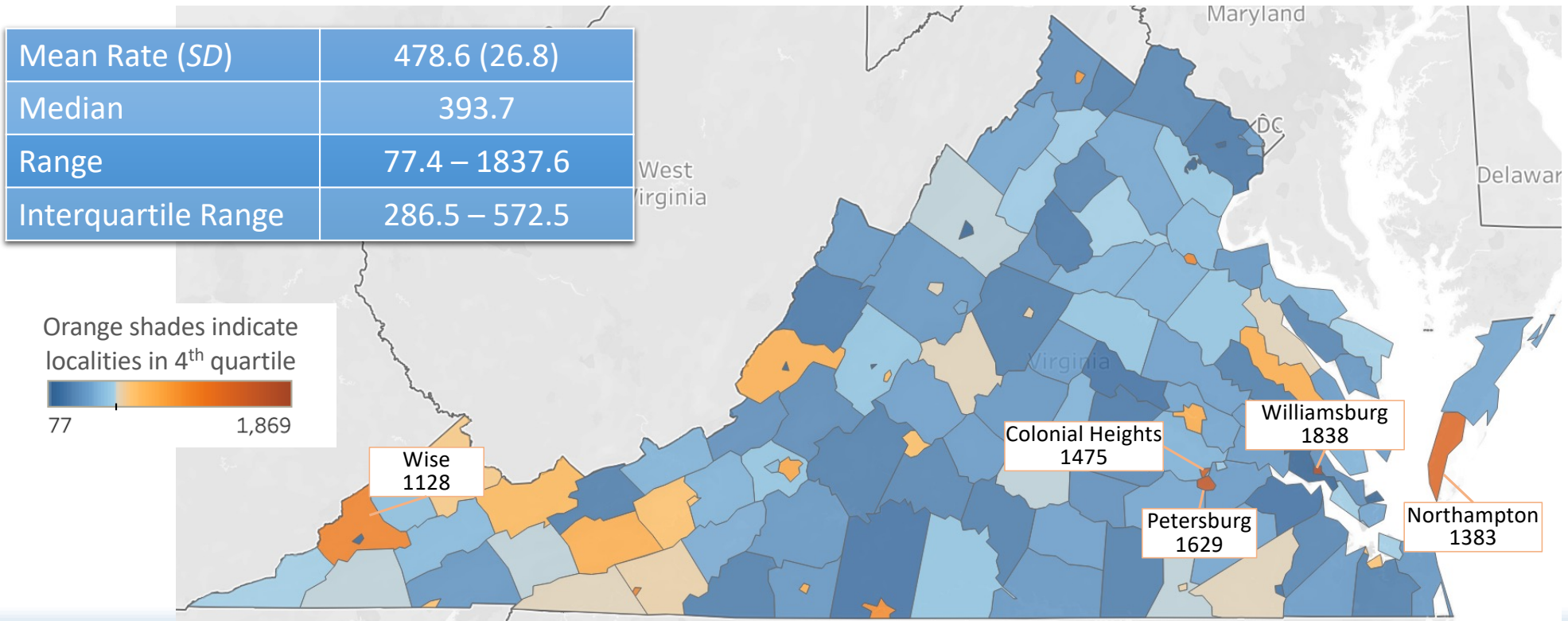
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Questions?

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'Appendix'

10-Year ALEO Rate (per 100,000)

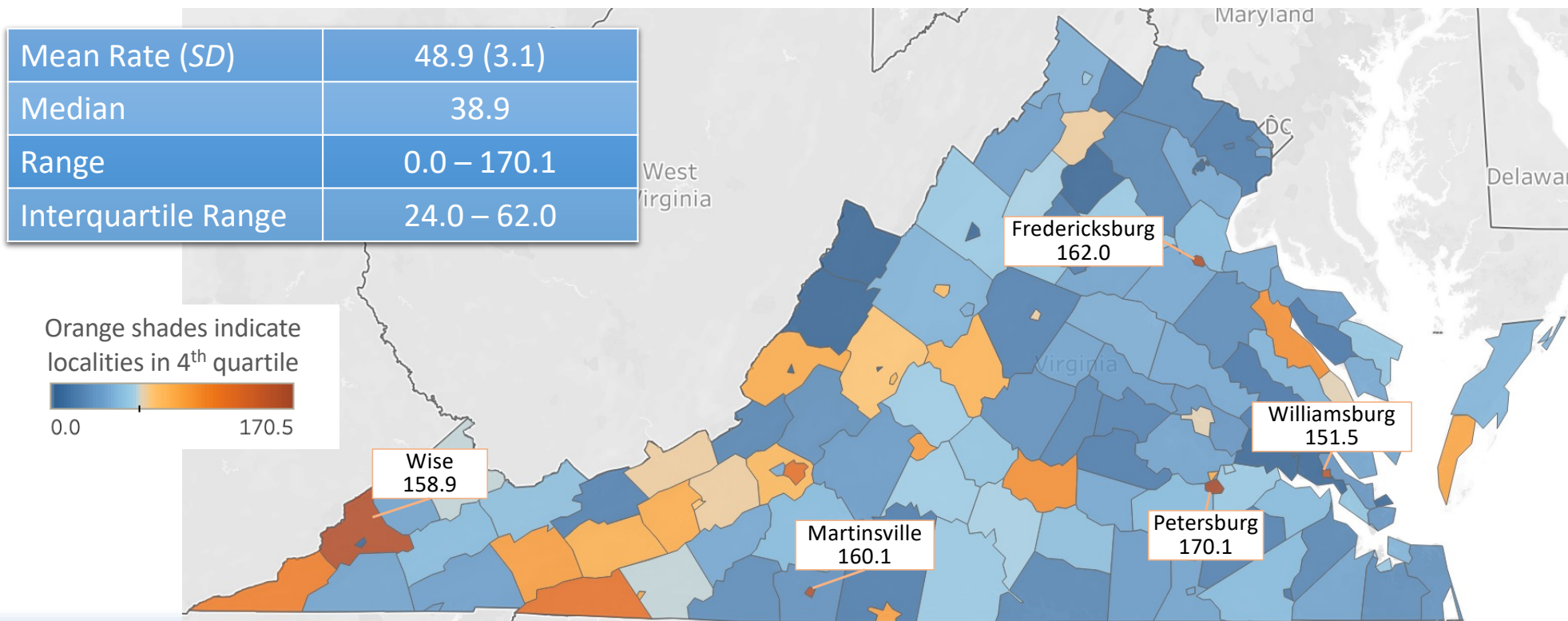


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10-Year PwMI Charged with ALEO Rate (per 100,000)



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References

- Borum, R., Deane, M., Steadman, H. J., & Morrissey, J. (1998). Police perspectives on responding to mentally ill people in crisis: perceptions of program effectiveness. *Behavioral Sciences & the Law, 16*(4), 393–405.
- Franz, S., & Borum, R. (2011). Crisis Intervention Teams may prevent arrests of people with mental illnesses. *Police Practice and Research, 12*(3), 265–272.
- Livingston, J.D. (2016). Contact between police and people with mental disorders: A review of rates. *Psychiatric Services, 67*(8), 850-857.
- Wolff, N. (1998). Interactions between Mental Health and Law Enforcement Systems: Problems and Prospects for Cooperation. *Journal of Health Politics, Policy and Law, 23*(1), 133–174.