

SENTENCING THE MENTALLY ILL

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OUTLINE

- INTRODUCTION
- BUTABIKA HOSPITAL
- DEFINITION OF MENTAL ILLNESS
- PREVALENCE
- MEDICAL VERSUS CJS
- PROPOSALS
- CONCLUSION

Butabika Hospital



Background

- ✦ A National Referral Mental hospital.
- ✦ Offers specialized and super specialized mental health services to the populace

Vision:

- ✦ A community in a state of complete mental, physical and social well-being as a pre-requisite for development and poverty eradication.

MISSION

- To offer super specialised and general mental health services, conduct mental health research and training, provide support to mental health care services in the country for economic development.

services to the Justice system

- MSE and reports to CID officers
- Admit and manage people with MI at time of arrest
- Out reach services to prison
- MSE and reports to Courts of law as per requests
- Research

MENTAL HEALTH

- MENTAL WELL BEING where
- A Person realizes his or her abilities
- -able to positively cope with daily stresses of life
- works productively and fruitfully



Mental illness

- Inappropriate feelings about self and others
- Inability to handle stress
- Strange behaviour from the community point of view



MENTAL HEALTH BURDEN

- GLOBAL - 12.5%
- NATIONAL- 25%
- BUTABIKA HOSPITAL -850 inpatients
- PRISON SERVICES -

Prison services

- MI is common among prison populations
- Prevalence varies from 30% to 60%
- Higher than general population figure
- Adaku(2006) found 52% prevalence Luzira
- 19% had severe MI, requiring urgent treatment
- 7% revealed had illness previously

CAUSES

- HEREDITY
- PERSONALITY MAKE UP
- AGE
- BRAIN INJURY
- PSYCHOSOCIAL STRESSORS

TYPES -1

Psychoses:

- Severe form
- loss of touch with reality
- abnormal thoughts and beliefs
- abnormal sensory experience

TYPES -2

Neuroses

- Minor forms of mental illness
- Keep a realistic view of life
- No abnormal thought
- No abnormal sensory stimulation

MENTALLY ILL OFFENDERS; PUNISHMENT OR TREATMENT?

1. MEDICAL SIDE

- patients' rights to treatment, integration in society and minimal hospitalization

2. COMMUNITY ASPECT

- Concerned about safety

Rising population of the mentally ill in prisons

- True given the statistics in our prisons
- causes include
 - growing population
 - increasing burden of MI
 - poor community MH services
 - ill equipped Forensic unit of the Mental Hospital

mental illness and crime

- Mentally sick have higher chances for violence and aggression
 - Are unemployed, poor and homeless
 - have co-morbid drug abuse
 - Inadequate mental health care

Types of MI associated with crime

- Schizophrenia
- Organic mental illnesses
- Epilepsy
- Depression
- Mania
- Substance abuse

CJS in Uganda

- Constitution and UPA
offenders be produced in court in 48 hours
- It is not mandatory to have MSE
- All offenders presumed to be of sound mind
- All tried the same way
- Consideration of MI is at the discretion of the Judicial officers or police
- Many miss the consideration of mentally sick

Sentencing the mentally sick

- Key in managing the balance between imprisonment and treatment in hospital
- At this time, there is need for Judges and others involved in the process to find out if MI may have played a role in the charges

Proposal

- Need to develop a policy and measures for early detection of mental illness
- Enhanced use of mental health Experts
- Support the mentally sick have representation by experienced attorneys
- Enhance mechanisms to divert Mentally sick offenders from prison to hospital
- Police and Judicial officers to be enabled have regular orientations on MH issues
- Improved community MH services

conclusion

- Number of mentally ill persons in prisons in on the increase
- Factors not limited to but including sentencing are responsible for the increase
- The CJS can help reduce this burden through cautious sentencing. Developing new ways of working with other stakeholders to assess, diagnose and respond to criminal involvement of MI offenders can be helpful. This supports public safety and removes inappropriate confinement.

THANK YOU