

Box 13.5 What Do You Think?

Should violent juvenile offenders be housed in the same correctional facilities as adults?

Box 13.6 From the Field

An Unexpected Journey Sharon Murphy, MSW, PhD

I chose a career in social work because I wanted to help adults who suffered from various forms of mental illness. After a few years of clinical practice, I discovered that the majority of the people with whom I worked were victims of family or domestic violence. From that time forward, clients affected by family violence have become the focus of my practice, and for the past 17 years, I have concentrated on assisting women who have survived domestic violence, most recently First Nations women survivors.

Approximately six years ago, I began working as a domestic violence consultant to a First Nations agency. The public defender's office was looking for someone to provide expert testimony in the case of an indigenous woman who had admitted to killing her partner and had been charged with second-degree murder. The defense believed that the defendant was a victim of domestic violence and had acted in self-defense. I accepted the case and began a new phase of my career.

My social work education and practice experience were invaluable during the interview and assessment process. I drew on all the fundamental tools from the first-year practice course: reflective listening, paraphrasing, assessment, and conducting culturally appropriate interviews. The defendant was initially hesitant to tell me her story, but she became more comfortable over time. Eventually she was able to describe a 19-year history of domestic violence

victimization by the father of her children. My task was to reconstruct her life story and to present that story to the jury in the context of her culture and to present that story to the jury.

The defendant was convicted of negligent homicide and received the minimum sentence of four years, with a recommendation from the judge for clemency. At the most recent clemency hearing, three of the five members of the clemency review board voted in favor of clemency. Because it was not a unanimous vote, the governor did not have to review the findings of the board within a certain period of time, and the defendant would complete her prison sentence without the governor's review.

We all could give up at this point, say that we did our best, and walk away. But my social work training and practice experience have taught me to move forward. We will continue to fight for the defendant's right to protect herself.

I became a part of this criminal proceeding four years ago. Since then, I have served as a consultant to numerous attorneys during their trial preparation in domestic violence cases, have assessed women in jail, and am currently preparing for another trial. Social work education prepares students for this work, but it is often overlooked as a career opportunity. The combination of interview and assessment, the strengths perspective, and the person-in-environment framework is perfect preparation for working within the criminal justice system.

the problem of domestic violence, the Violence Against Women Act may have contributed to the decline in incidents from 1993 to 2002. The VAWCO was strengthened in 2000 to improve protections and again in 2005 to increase funding for grants. With greater attention to and funding of support for victims of intimate violence, the role of social work practitioners in the treatment and prevention of domestic violence will continue to be important (see Box 13.6).

In April 2008, the International Violence Against Women Act (IVAWA) was presented to Congress. It did not pass and was introduced again in February 2010. This unprecedented legislation would make the global crisis of violence against women a top US foreign policy priority. The bill would authorize US

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aid to promote international violence prevention programs. It would support health care and other services for survivors, promote access to education and economic opportunity, and better address violence against women in humanitarian crises. The crisis of rape in the Democratic Republic of Congo illustrates the urgent worldwide need for pragmatic ways to prevent violence against women. This legislation offers just that and should be passed with broad congressional support. As this book goes to press in 2018, despite a strong lobby, the IVAWA has still not passed the US Congress.

On June 20, 2001, in Houston, Texas, 37-year-old Andrea Yates drowned her five children, who ranged in age from six months to seven years, in the bathtub. She told the police that she knew killing her children was against the law but that killing them was the only way to save them from the fires of hell and keep Satan from tormenting them. Mrs. Yates's attorneys entered a plea of innocent by reason of insanity and presented evidence that she suffered from a severe form of postpartum depression complicated by schizophrenia. Nevertheless, she was convicted on two counts of capital murder and sentenced to 40 years in prison without the possibility of parole. However, in 2006, on appeal, she won a retrial and was eventually acquitted by reason of insanity. Texas has found a middle ground that allows defendants like Yates who are truly sick to use the defense, while blocking sane criminals from trying to get off the hook by claiming temporary insanity. In January 2007, Yates was moved to a low-security state mental hospital in Kenville, Texas, where she remains today.

The judge will have to reevaluate her case every year. Texas law requires more than mental illness to involuntarily hospitalize someone. The person must also be considered a danger to him- or herself or others. Currently, juries in most states can find a person guilty but mentally ill, but the finding does not mandate treatment, and the defendant is typically sent to prison.

Mrs. Yates is not the only prisoner who suffered from mental illness while incarcerated. Research indicates that as many as 20 percent of inmates in jail or prison are in need of psychiatric care, frequently because of a serious mental disorder (Meizner, 2007). James and Glaze (2007) found that over 70 percent of inmates who had a mental health problem met criteria for substance dependence or abuse; jail inmates who had a mental health problem were three times as likely as those who did not to report being physically or sexually abused in the past; and women had higher rates of mental health problems than men.

Mrs. Yates has not been the only imprisoned person who suffers from mental illness. It is estimated that as many as 70 percent of juvenile offenders