

Where We Stand:

NAMI believes in minimizing justice system response to people with mental illness, while ensuring that any interactions preserve health, well-being and dignity. NAMI opposes laws and public policies that perpetuate the criminalization of people with mental illness.

Why We Care:

People with mental illness are overrepresented in our nation's jails and prisons. About 2 million times each year, people with serious mental illness are booked into jails. Nearly 2 in 5 people who are incarcerated have a history of mental illness ([37%](#) in state and federal prisons and [44%](#) held in local jails). Many people with mental illness who are incarcerated are held for committing non-violent, [minor offenses](#) related to the symptoms of untreated illness (disorderly conduct, loitering, trespassing, disturbing the peace) or for offenses like shoplifting and petty theft.

Many factors have contributed to the criminalization of people with mental illness, including:

- Policies, such as “zero tolerance” policing, nuisance laws and mandatory sentences for drug offenses
- [Assumptions](#) that people with mental illness are violent
- The lack of a robust mental health crisis response infrastructure
- Jails and prisons have become America's de-facto mental health facilities. However, they are not built, financed or structured to provide adequate mental health services. Only 3 in 5 people ([63%](#)) with a history of mental illness receive mental health treatment while incarcerated in state and

federal prisons, and less than half of people ([45%](#)) with a history of mental illness receive mental health treatment while held in local jails.

Public policies should invest in solutions that are evidence-based and help people with mental illness get on a path of recovery. For example, instead of charging people who are experiencing homelessness with crimes, we support policies that address the underlying need, such as providing supportive housing programs.

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Early intervention, comprehensive community mental health care and a robust crisis response system are essential to reduce justice involvement. In addition, investment in diversion strategies, like mental health courts, alternatives to incarceration, and giving judges, prosecutors, and police the discretion to not criminally charge an individual with mental illness, can help reduce the criminalization of people with mental illness.

To learn more about NAMI's work on this issue, visit www.nami.org/Advocacy/Policy-Priorities