Justice Is in the Eye of the Beholder

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ABSTRACT An individual tells his story of how mental health problems got him to prison and how prison mental health services were difficult to obtain and inappropriate at times. He had to demand that he receive adequate treatment. Mike Weaver currently advocates for mental health services and treating people rather than extending their prison sentences. doi:10.1300/J076v45n01_04 [Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <http://www.HaworthPress.com> © 2007 by The Haworth Press, Inc. All rights reserved.]

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INTRODUCTION

The old saying goes that “beauty is in the eye of the beholder” and it is the same way with the courts and the resulting jail and prison sentences that follow. “Justice is in the eye of the beholder.” It makes a big difference whether one is a defendant with a mental illness, a prosecutor, judge, psychologist or defense attorney. If one listens to the multitude of former prosecutors on news and semi-news shows on television, one might think that we have not gained much since the mid 20th century.
Mental illnesses were considered character weaknesses or flaws. Religious leaders thought mental illnesses could be “prayed away” or removed by laying on of hands. The same nonsense is propagated today and unfortunately, it is within the justice system that this is so prevalent. I am thankful for those enlightened souls who are beginning to utilize mental health and substance abuse courts.

I am a person who has had bipolar disorder for twenty years and at the age of thirty-six encountered the courts and incarceration for the first time. I will preface this with the statement that I tell groups of the mentally ill often: “mental illness is not an excuse for bad behavior, but it is an explanation.” People who commit crimes while mentally incapacitated should not be excused for their actions. There is a difference between them and those who intentionally break the law. While operating a support group for people with bipolar disorder, I met a man who ultimately killed his very young twin daughters. Many people believe it was premeditated because he had homicidal urges before the murders. The very nature of his psychotic illness prohibited him from telling anyone because he feared what would happen. He had a lot of remorse afterward and later appeared to be very lucid. Nevertheless, it is my belief that he was driven by the illness and instead of grabbing for a life sentence to avoid the death penalty, his attorney should have gone with an insanity plea.

Despite the increasing knowledge about mental illness, there appears to be increasing confusion. The DSM-IV diagnostic manual is much thicker than the DSM-III and the next manual is purported to be much thicker. Treatment manuals abound but judges, defense attorneys and prosecutors lack the time to really understand mental illness. I constantly hear attorneys and news people using the wrong terms to describe mental illnesses.

**MY STORY**

When I arrived at the maximum security Soledad State Prison, I was still in shock. I was a white middle class male, son of a minister and one of fourteen children. I was in the middle of a successful career as a teacher and administrator. Accolades and honors such as Teacher of the Year had been bestowed upon me but the combination of heavy stress and not following a medication regimen brought me to the point of acute mania and delusion. Why does an intelligent person not follow medical advice? Well, I was a typical California health nut. I worked out six days a week, ate whole wheat, sugar free organic foods and did not like to take medicine. Until the time that I was diagnosed in 1987, I never even took aspirin.
Thus, during a stressful time, being department chair and chairing numerous other committees, I read a book, *Toxic Psychiatry*, by a psychiatrist, Dr. Peter Breggin. This book stated emphatically that all medications were “poisonous” or “toxic” to the human body. Psychotropic drugs such as lithium were extremely bad in his view. I already had enough side effects from the lithium (tremors, diarrhea, sweating and dry mouth) that I bought this hook, line and sinker. I did not stop taking the 40 mg of Prozac that had been prescribed. This launched me into the most severe mania of my life and to places I thought I would never visit.

The long, almost 400-mile ride in a Department of Corrections bus, with one guard with a shotgun in front and one behind me, caused me to think how I had arrived at this place in my life. Until recently, I had not known the difference between a misdemeanor and a felony. Looking down at the adobe roofs of Santa Barbara, I thought about the many vacations I had spent there. Cars below were scurrying around in their freedom, unaware of the misery in the bus next to them. I realized then, that I had to be in charge of my mental health. My thinking processes did need improvement but I don’t know if I could have prevented what had happened without the knowledge I have now. I had needed a “ghost of Christmas past” to show me before I lost it all.

I did not expect to receive any better medical treatment in prison than I had in county jail. It took me many days and sleepless nights to start receiving medications and only after family members and friends had made several calls to the jail. On one occasion I had told a cellmate that I was suicidal after witnessing a severe beating of an inmate by another. The so-called hospital I was referred to have beds attached to each other by about six inches and were only eight inches from the floor. I spoke to a psychiatrist once through a 2-inch slit in the door. This was not a therapeutic environment. Extremely psychotic people were all around me and especially the one next to me. I left there plenty suicidal, but I faked it so I could get back out into the general population. The number one duty of the technicians there was to write down what we said and how much of our meals we ate.

Nevertheless, upon entering the Salinas Valley prison at Soledad, I met with a prison psychiatrist. He immediately informed me that I was not bipolar and he would not prescribe me medications. I urged him to reconsider, as it probably wouldn’t be too good for me to complete my sentence if I did without medications. I told him that I had thirteen brothers and sisters and a mother who would be inquiring about me. This is one of the biggest problems with prisons. Families have given up on inmates and the system does whatever they want with them. Anyway,
I told this doctor that I had been diagnosed by five private psychiatrists in two states along with clinical psychologists and an eleven-person research team at the University of California at San Diego. I had nine hospitalizations. I reminded him that lithium was not expensive and certainly not a feel good drug. Cost is a major factor in what jails and prisons give to inmates. In jail, I had received an old tricyclic antidepressant, Elavil, which had nasty side effects but at least aided sleep. This psychiatrist finally prescribed me lithium, a mood stabilizer and Zoloft, an antidepressant. He specifically said they didn’t give Zyprexa to people with bipolar because it was too expensive and I could forget about Klonopin.

During the duration of my stay there, I saw a psychiatrist twice. He wanted to know why my attorney had not brought up my mental illness as a mitigating circumstance. Despite the fact that I had paid $21,000 to an attorney, he adamantly refused to mention my mental illness to the judge. It was election time, he said, and the OJ case was affecting everything. California is considered to be a liberal, nutcase, fruit flake state but its law enforcement is much tougher than the southern state I reside in now. And most of the time a person is in court, it is not the deliberate pace one sees in murder trials on television. Everything happens so fast; one does not know what happened.

I know the US has a better system than most countries, but it is confusing for the average person.

My mental health treatment besides the meds I received in prison, was me exhaustively looking for books that could encourage me, reading the Bible, listening to my black market radio, seeking out the few people who I could have good conversations with, and the telephone. Good intelligent conversation was at a premium in jail and prison. The telephones were my lifeline with the real world. I would have to spend four hours out on the yard to use the only inmate telephones. There were twelve telephones on each end, some for northern or southern Mexicans, some for the Crips and Bloods, some for the Others, and three phones for the whites that evidently had lost the wars. I did my running everyday while out there but the wait for a ten-minute phone conversation could be two hours. Thankfully, I had people to call. While I waited in line, I could watch two guys doing heroin off a spoon, talk to a Neo-Nazi, get propositioned by a transsexual or wait for the next riot to kick off. That would result in hitting the dirt, having guards fire live ammunition overhead from the towers, watching the Mexicans beat up on each other and then losing a week to total lock down in the cell except for an occasional shower.
I attended the Protestant and Catholic chapels just to be in a better environment. The Protestants could really sing. It was the only place one could let tears flow and the old hymns never sounded better. The Catholic priest was a liberal theologian but extremely intelligent, compassionate and a breath of fresh air every week. I lived in a three-tier wing with about three hundred men. There were seven thousand men housed at this prison. What I did learn in prison was patience. Something that took minutes on the outside took hours in there. Showers, laundry, getting meds, going to medical were lengthy propositions. I had to pay an inmate ten dollars of canteen material to get in to see the dentist. It was a brutal cleaning and I never went back. Depression was abundant as was evil. The evil did not exist just within the inmates. Many guards and employees in the system let the inmates dictate their attitudes. They call mentally ill people “Crazies” to their face and basically dehumanize them so they can justify their treatment of them. Two guards worked me over quite well one day. The one guard came back and told me he had to do it. My attorney said it happened every day and to forget about it. I worked as a teacher’s aide with the younger sixteen- and seventeen-year-old inmates with a teacher who seemingly hated all inmates and really made it rough on those who worked for her, especially when she found out I had bipolar disorder. Entering that prison school was weird after having been a teacher for many years. It was a scary place. I met one guard who was a retired minister and not long from state retirement. He would say something encouraging every time on the way to dinner. Would it be possible to change the hiring template for a guard from the current model to that of this retired minister? I think he probably had the best chance of a guard not getting hurt at that prison.

The never-ending threats of violence (by inmates and guards), the dreariness of the prison itself—concrete and steel, the heavy carbohydrate diet and the total lack of niceness provided me with a constant battle with depression. I was housed on the second tier because those with mental illness could not be housed on the third tier. Nevertheless, I would visit people on the third tier and look down at the concrete floor and think about jumping. But I hung on, reading many of the seventy books I had in my cell. I believe the limit was five. I wore earplugs to sleep, stayed away from trouble and managed not to get a shank stuck in me. I washed my clothes in my cell to avoid getting them ripped off in the laundry. I followed the inmate rules which were basically segregation although I did occasionally have conversations with blacks and used their phones at my risk occasionally.
CONCLUDING COMMENTS

There is nothing to be learned that is radically new here. We pay now or we pay later. If we invest in a “correctional” system that aims not just to warehouse inmates, then we will benefit with communities that are not at much as risk for violence and criminality. I had a good job before prison and many friends and family members who helped me when I got out. Yet, the five years after prison were much tougher than the years in prison. When I got out I never anticipated the difficulty I would have not only obtaining a good job but also finding housing for someone considered a felon. As far as programs go, there were almost none. I found a program in Boston but it was basically for manual labor individuals and the person leading the group seemed to resent that I had higher education. There were no groups available for my peer group that I could find. I proceeded to look for managerial jobs in industries that did not check my background carefully but since 9/11 that is increasingly difficult. When parole is complete the payment to society is not. I lost jobs that I knew I was qualified for after the check was made. In two of these I had answered the question truthfully but the question asked for a limited number of years. Despite my outstanding performance, I was let go when they finally looked at my record. I worked as a teacher and administrator at two schools despite the convictions but I had to bare my entire life in front of the school board. I was paid accordingly. It is apparent that organizations do not have the capability or the desire to distinguish between crimes that were committed long ago and the circumstances in which they were committed. I am in my position today because of a supervisor who looked beyond the conviction and saw my value. She said that my record did not frighten her, that it was an example of a person with bipolar disorder who had come to terms with it. She saw me from a strengths aspect, not a deficit stance. My years of retail work and developing five support groups on a volunteer basis served to put me into a position to succeed today. I had help from my family and friends, but governmental or community programs were not there for me.

Surprisingly, housing was also an issue when I left prison. Many places would not accept me based on the felony record. I rented from people, not always the best places, who I knew did not do background checks. It wasn’t until recently at a fair housing seminar that I found out that I could ask for a reasonable accommodation based on the fact that I had been in the midst of a mental health crisis when the crime occurred. Since I had no problems for some time I would be eligible for this. There are reasons to exclude people from housing but it is the consumer’s responsibility
to know the law and ask for the accommodation. The landlord does not have to advertise the law.

Receiving mental health treatment after prison was a challenge and without insurance I ended up going to the county mental health system for many years. The psychiatrists were extremely good but therapy was another story. The main barrier to this system was learning not to take the system’s attitude personally. Also, one had to be prepared to sit in the waiting room with some very seriously ill individuals.

Nevertheless, I have received the right to vote. I will apply for a pardon to have my conviction expunged in 2009 and hopefully by that time, I will be totally able to leave this nightmare behind me. Most of the individuals that end up incarcerated are going to wind up back on the streets with all of us someday. How they are treated there has to have an effect on their psyche. This is not a plea to be soft on crime. I realize how dangerous some of these guys are. Threats to my safety were a daily occurrence in prison.

Specifically, with regard to people who have mental illnesses and commit crimes, the mental health courts that are springing up across America and even in my community are a necessary part of the process to increase fairness. Judges and attorneys who are knowledgeable will conduct these courts. I meet with the Mental Health Court Group in my community and am happy to report that we have received $119,000 to start the court. We are anticipating additional community funding. We are advocating having a peer, one with mental illness, as part of the Mental Health Court Team. Groups for men and women in prison who have illnesses need to be funded. In the California system, I saw nothing. There were no AA, NA, Anger Management, or Mental Health related groups. Understandably, individual counseling could be costly but so are the forty four + prisons for men and women in California.

My informal interviews of inmates in prisons and jail probably reach close to one thousand. I met very few who had good starts in life. For the ones who were there due to substance abuse, it was difficult to determine whether their mental difficulties started the drug abuse or the opposite. Most have hair trigger tempers, a horrible attitude toward authority, misogynistic views of women and racist views. Most of these people grew up in a shame-based environment. Jail and prison are all about shame. Every aspect of one’s life is open to all. Many of them believe they are just a part of what has become one of the two top industries in California. What is the answer? Encourage the legislatures to continue to lengthen penalties? Or is there a way within the jail and prison system to effect more humane treatment of those with mental illnesses who are incarcerated?
I support our nation’s law enforcement system but I also support the fair and humane treatment of all incarcerated people in jails and prisons. Especially, there is an ongoing need to examine the way we sentence mentally ill people and the way we treat them in prisons and state hospitals. We must realize that every single person on this earth has value. There is still a need for our whole society to understand mental illness better.

As part of the Mental Health Association, it is my job to educate the public. My experience in jail and prison has also made it easier for me to communicate with those who are experiencing the painful realities of having mental illness. My life has been much more difficult as a result of what happened in a few minutes years ago. But I take the attitude that life could have been better and it also could have been worse. In spite of the treatment I received, I survive. I do think that I am an anomaly. It is my belief that those like myself in the system need much more help. My many conversations with those with severe mental illness in prison revealed that. The state prison systems are secretive, scary places that produce little hope. We are spending a great deal of money in this area. I do think the federal, state and local governments can be more intentional about how we are treating the mentally ill in jail and prison. I understand that violent crime is down statistically but we have a very large correctional system that mostly punishes.

People do not create the genes that cause them to get psychotic, manic or depressed. Yes, they can work on managing everything around that illness so that it does not get out of control. For most, like myself, we don’t always learn it in time. It is the individual’s job to work on managing his or her life, but it is our job to make sure that our fellow citizens with mental illnesses are afforded a recovery environment, one that provides hope, choice and empowerment so that we all are safe when people who have committed offenses reenter our society.

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