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Opinion: Why scapegoating Sheriff Smith for jail problems is wrong

Warehousing mentally ill people in the Santa Clara County Jail is not the fault of the sheriff



SAN JOSE, CA – AUGUST 17: Santa Clara County Sheriff Laurie Smith speaks during a news conference at the sheriff's office in San Jose, Calif., on Tuesday, Aug. 17, 2021. (Anda Chu/Bay Area News Group)

By **PAULA CANNY** |

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In Santa Clara County, like the rest of California, there are more mentally ill people in jails and prisons than in hospitals. Jails and prisons have become California's 21st Century mental hospitals. That is not the fault or the responsibility of California's 58 elected sheriffs. It is the result of policies and decisions made by legislators, judges and prosecutors, not sheriffs.

California's mental health care system is fragmented and broken. One in six Californians experience some mental illness. Roughly 1 in 24 Californians have a mental illness so serious that functioning in daily life is nearly impossible. In the last 10 years in California, suicide has increased by 50%. Suicides by adolescents aged 15 to 19 have increased 63%. Since 1995, California has lost 42% of its acute-care psychiatric beds while the population has increased by 7.5 million people.

Santa Clara County has 229 adult psyche beds and 17 juvenile psyche beds, leaving the county hundreds of beds short of the recommended one psychiatric bed for every 2,000 people. Santa Clara County, like the rest of California, does not have sufficient mental health treatment facilities in both quantity and quality. That is not any sheriffs' fault.

Various Santa Clara County officials seek to blame Sheriff Laurie Smith for "problems" in the Santa Clara County Jail. These politicians ignore the institutional realities. The problem of warehousing mentally ill people in the Santa Clara County Jail is not the fault of the sheriff. It is the result of there being so few mental health facilities in Santa Clara County. Condemning Sheriff Smith masks the problem. The problem is institutional, not personal.

Warehousing seriously mentally ill people in jails is itself insane. So is blaming a sheriff for a situation that she did not create nor can she or any sheriff meaningfully correct. As long as government officials insist on using jails as mental hospitals, bad things are going to happen to mentally ill people. It is inhumane, draconian and stupid to put mentally ill people in jails instead of hospitals. Michael Tyree was not a criminal. Andrew Hogan was not a criminal. Each was in the throes of serious mental illness. Each was arrested and booked into jail. The arresting officers had no other place to take them. At booking, an employee of the County Department of Public Health (not custodial staff) found each suitable to be placed in jail — not because that's true — but because there was no other place. Prosecutors filed criminal charges. Judges set bail. Tyree and



Jail is where Santa Clara County puts seriously mentally people. There is no other place in Santa Clara County for them to go. Mentally ill people are arrested, prosecuted, convicted and left untreated, again for lack of appropriate facilities. This scenario is true not just for Andy Hogan and Michael Tyree. It is true for countless other people suffering from untreated mental illness.

Scapegoating Sheriff Smith for a fundamentally flawed institutional failure is a short-sighted diversion from the real problem. Mental illness and the lack of mental health treatment facilities is a public health matter. We are failing miserably in addressing the issue of serious mental illness. The failure is apparent not just in Santa Clara County. Every single California county jail is experiencing the same issue. Virtually every California county has paid out multimillion-dollar settlements to families of mentally ill people injured or killed in California jails. Replacing the elected sheriff does not fix the problem. Mentally ill people should be in hospitals, not jails.

Paula Canny is an attorney who represented the families of Michael Tyree and Andrew Hogan in their lawsuits against Santa Clara County.

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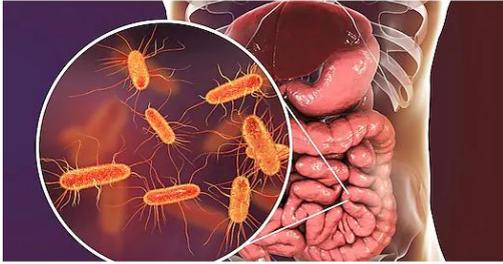
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