

# Justice & mental illness: a landmark decision by the MT Supreme Court

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Last fall, I received a call from a distressed father asking me to review his son's case. His son had been diagnosed with bipolar disorder (manic depression). The son was on parole for a crime that he had committed when he was in a manic stage. He quit taking his medication again, went manic, and committed another series of crimes. The son was eventually sentenced to 70 years in prison with 20 suspended.

I talked with the son's attorney before sentencing and expressed my sorrow that the parole officer, family, or someone else hadn't been able to force the son into treatment when it became clear that he was off his medication and about to become dangerous. In many cases, a couple of days or a few weeks with the proper medical care would be all that it takes to stabilize a patient's brain chemistry so he can return to his normal life.

The attorney looked at me in disgust and responded, "But that would have violated his civil rights."

His words were a clear depiction of our profession's inability to grasp the basic realities of mental illness. Serious mental illnesses wage malevolent attack upon the brain and thus the lives of those affected by them. In the case of bipolar disorder, the illness drastically alters the release of the brain chemicals dopamine, serotonin, and norepinephrine. The different levels and timing of these chemicals affect mood regulation, stress responses, pleasure, reward, and cognitive functions to cause mania, depression, or even a mix of both. A man or woman in the grips of a manic or depressive episode has effectively been drugged by the illness.

The protection of the civil rights of someone gripped by mental illness induced psychosis is akin to protecting the civil rights of someone involuntarily

dosed with a powerful narcotic that affects how the individual, thinks, feels, and acts. Those protections had better be balanced against the realities of medical neglect or the results will be anything but just.

In mid-April, the Montana Supreme Court decided *In Matter of the Mental Health of L.R.* The decision clarified the constitutionality of Montana's commitment laws. This decision will allow the legal and medical communities to effectively balance the civil rights, neglect, and public safety issues involved in mental illness crises. The National Alliance on Mental Illness for Montana (NAMI Montana) was one of the strongest advocates for these commitment laws when the bills were adopted by the Legislature in 1997. We are happy to have

them finally interpreted as they were intended and know that it will make a major difference in the lives of those impacted by mental illness crises.

*In the Matter of the Mental Health of L.R.* is a major decision. It has the potential to lower Montana's suicide rate and the number of individual with serious mental illness incarcerated by the criminal justice system.

NAMI Montana cannot thank the Montana Supreme Court, Attorney General Steve Bullock, and Powell County Attorney Lewis Smith enough for their work on this groundbreaking case. ○

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