

Behavioral Health Court Cuts Jail Costs, Helps Mentally Ill Find Help

COVINGTON—By noon each Wednesday, Louisiana District Court Judge Peter J. Garcia and his team are gathered around a conference room table and ready to begin. There are 16 team members—social workers, probation officers, attorneys, mental health advocates, and court staffers, most of whom will have a say before the one-hour session ends.

This is what they call “staffing,” for Judge Garcia’s four-year-old Behavioral Health Court, which helps mentally ill men and women who have committed certain crimes avoid jail sentences. Instead, the program participants are ordered to receive individualized treatment, which is then monitored closely by the court.

“The mentally ill are overrepresented in the criminal justice system,” Judge Garcia said, referring to national studies that show the prevalence of people with serious mental illness in jails is far greater (three to six times) than in the general population. “We’re trying to address that issue, get them out of the jails, into treatment, monitor their medications, and monitor their treatment.”

On a recent Wednesday, the Behavioral Health Court team is discussing the newest program participants, those in Phase I. Sitting at the head of the table behind his second-floor courtroom, Judge Garcia goes through his roster of defendants, one by one. When he calls a name, he turns to the team members who have been involved in that defendant’s care to get an assessment: Has the defendant made it to regular probation meetings? Has she been taking her prescribed meds? Has he gone to mandated counseling? Did the drug test come back clean? How is her attitude in group sessions? Has he found a job and begun paying restitution? What more should be done?

What the team members say about the defendant's progress and cooperation during the "staffing" session will determine what happens next, at 1 p.m., when the participants show up for court and face the judge. As court is about to begin, team members enter the courtroom, and most sit in the jury box. Judge Garcia calls each participant to the front individually and asks the pertinent questions for all to hear.

By now, the judge knows the men and women by name, knows their issues, and knows what he has ordered them to do. If they have complied, he sends them away with a "keep up the good work," until he sees them the following week. If not, they are questioned about what happened. Perhaps their treatment plan is altered; perhaps, they receive a stern warning.

But Judge Garcia has another option: a jail sentence. And on this particular Wednesday, he starts court this way, with the most unpleasant of his duties in Behavioral Health Court—revoking the probation of a program participant who has been uncooperative, despite many offers of medical help and counseling. It is a stark reminder to the newcomers of what can happen if they choose not to follow the rules.

This is what nationwide advocates of the Behavioral Health Court model say helps to make the program so effective: judges can use the influence of the court and sometimes the scary prospect of jail to direct mentally ill defendants into community-based treatment that more times than not helps them regain control of their lives. That means fewer mentally ill people end up committing new crimes and cycling back through the criminal justice system; the result, fewer crimes and reduced jail costs. Statistics show that while nearly half of the general inmate population in Louisiana's prisons get in trouble with the law again upon their release, just 5 to 10 percent of defendants who receive help through a specialty court, such as Behavioral Health Court, relapse into criminal behavior.

“It’s fiscally responsible to do it this way and address the problem on the front end, rather than the tail end,” Judge Garcia said. “It’s just uncivilized for us to handle people with mental illness the way we do. It’s not criminal to have mental illness.”

Behavioral Health Court began in St. Tammany Parish in 2011 as an outgrowth of Adult Drug Court, which established the model for most of the problem-solving courts in the 22nd Judicial District. The district, covering St. Tammany and Washington parishes, offers more of these courts than any other jurisdiction in the state—three sections of Adult Drug Court, a new Juvenile Drug Court, Sobriety Court, Re-entry Court, and Family Reunification Court.

“We had one of the early drug courts in Louisiana,” said Judge Garcia, who presided over a section of Drug Court for 15 years. “There were some gaps in Drug Court that were not serving some people that badly needed to be served.”

Among those were people who had a co-occurring mental illness and needed medication, but were not allowed to enroll in Drug Court because of its zero tolerance for any drugs, including prescription drugs. Planning for Behavioral Health Court began in 2010 with visits to similar courts across the country. A grant awarded by St. Tammany Parish helped launch the first session of the court in November 2011, and it is one of only three registered mental health courts in the state.

The court admits participants with a wide range of charges, as well as a variety of mental illnesses, which means it also offers broad mental health treatment options. Those options include psychiatric services, in-home and outpatient treatment, peer support groups, vocational and educational services and more.

Defendants charged with violent or sex crimes are not eligible. The court team decides, case by case, who gets admitted, and they enter Phase I. The new participants must attend weekly court sessions, check in daily with a case manager, adhere to a personalized treatment

plan, comply with random drug screening, attend at least three peer support meetings a week, and submit weekly medication journals and appointment logs.

When Judge Garcia and his team decide a participant is ready for a bit less supervision, he or she is moved to Phase II, where court attendance is required every other week, and communication with the case manager decreases to three times a week. The other requirements are mostly the same, with the journal and appointment logs due only on court appearance days.

In Phase III, the participants attend court just on the first Wednesday of the month and must check in with their case managers at least twice a week. The participants typically spend about six months in each phase, but that time frame varies, depending on each person's progress. Several months before a participant is scheduled to graduate, the court team puts together a transitional plan. After graduation, the participant must remain in "aftercare status" for at least three months. If he or she has remained stable and is in recovery, the case manager will recommend him for "successful completion" of the program.

Judge Garcia said he regularly sees examples of men and women whose lives change dramatically for the better after entering Behavioral Health Court. Many had been in and out of jails multiple times after suffering psychotic breaks and committing crimes. Often, their families were left frustrated by a lack of available mental health care and their own inability to help their loved ones. But once the program participants get treatment and begin maintaining healthier lifestyles, the judge sees smiles return to their faces. Many can't wait to show off new diplomas, or other accomplishments, or to tell him about a new job. Sometimes, there are silent tears in the audience as moms, dads, husbands, wives, and children celebrate a return of the ones they love.

"It seems to be working well," Judge Garcia said of the court program.

This story was written by Lisa Frazier Page, Public Information Officer for the District Attorney's Office.