

Directions:

1. Annotate the text to show evidence of a close reading and understanding of the text.
2. Write a 3-part response on a separate sheet of paper.

Court Needs Alternatives in Handling Mentally Ill

Source: Steve Lopez/LATimes.com/October 5, 2013

Airport Court sees many defendants with addiction and mental illness, highlighting a shortage of sensible alternatives to jail.

If you were to spend much time at the Airport Courthouse, a branch of the Los Angeles County Superior Court located just south of LAX, you would begin to notice lots of yellow and blue. As in yellow shirts and blue pants, the outfits worn by Los Angeles County jail inmates who have been diagnosed with a mental illness.

They stride into court in handcuffs for arraignments or other legal matters, then, in many cases, shuffle back into holding cells and await transportation back downtown to overcrowded jails. Ellie Schneir, a deputy public defender for 28 years, said new court personnel are often surprised by the armies of disturbed defendants who come marching through on a daily basis.

"I would bet the Airport Court has more mentally ill people than anywhere else," said Schneir, who spends her days handling arraignments before Superior Court Judge Keith Schwartz.

Why so many sick people?

Because Santa Monica and Venice have long been gathering places for this population, and then there's the West Los Angeles VA, which draws lots of addled veterans to the Westside.

And because there's a shameful shortage of sensible, humane, cost-effective services that would divert people into recovery rather than into jail.

"My biggest gripe with the system is why are we spending \$50,000 a year to jail somebody when we could be spending \$5,000 or whatever it is to put them in a treatment program," said Lynn Meltzer Brewer, a deputy public defender.

Part of the problem, Schneir said, is that mental illness is routinely criminalized. A psychotic defendant might get picked up by police for an outburst, then make a threat or kick the window of a police cruiser and get charged with felonies that result in being locked up when the obvious need is treatment rather than punishment.

"I have a reputation as being very tough on sentencing on violent stuff, but I'm practical," Schwartz said. "I've been in this court now for seven or eight years and I've seen what we need to do. We need to help the sheriff with overcrowding and we need to help the prisons. With nonviolent, non-serious people we can help, we need to divert them from being in jail to being in a program that can change their behavior."

But such programs are hard to come by, Schwartz said. Especially when the defendant has both an addiction and mental health issues, which tends to be the norm, given the proclivity for people with mental illness to self-medicate.

Schwartz does what he can, though, with the cooperation of the prosecution and the defense, and he's particularly determined to give veterans a second chance. That was the case with a U.S. Army veteran who entered Schwartz's courtroom in handcuffs two weeks ago, looking at the possibility of 32 months incarceration for stealing \$10.35 from a coffee shop tip jar.

The man had a 2003 robbery on his record, but it was a relatively minor offense — a purse-snatching. He also had a probation violation and did prison time, so his latest crime could definitely have landed him behind bars. But from the bench, Schwartz told the man that he was going to instead send him to a one-year residential treatment program for people with an addiction and a mental health disorder.

"I'm not sending you to prison. I'm putting you in a program to try to get some of the underlying issues addressed," Schwartz said. "I'm giving you a break, so can you give a brother like me a break and try to stay out of trouble?"

In chambers a few minutes later, Schwartz explained his decision.

"I'm very mindful of the prison overcrowding the state faces, and it's under court order to release 9,600 prisoners," he said. "We don't need to send someone who took \$10.35 from a tip jar to prison for 32 months. The state doesn't need the headache." And as for the defendant, he said, "he'll be off the streets and get stabilized, and hopefully he'll be able to properly comport himself."

More than a week later, the tip-jar thief was still in jail awaiting the completion of paperwork being handled by a private court liaison who told me that there are often complications, and beds seem to be hardest to come by for those who need them most. It doesn't help, either, that the county Department of Mental Health used to have full-time staffers in court, but scaled back to a part-time operation.

Kerry Golub, another deputy public defender, works in the Airport Court's drug court and Santa Monica homeless court, both of which have far more alternative sentencing options, which should help. But Golub said addiction rehab programs often reject clients who they say are too mentally ill, and yet those same clients are sometimes judged not sick enough to be conserved or hospitalized. So they end up doing circles between streets, jails and court.

"It's not OK," Golub said of a system that serves some but fails many others. "They sit in their own feces and they're bug-infested. They have vermin running all over them and they lay there in the streets in this condition."

Los Angeles County jails have more than 3,200 inmates with a mental illness, a number that could be halved with a greater investment in supportive housing and community treatment. And yet the county has millions in unspent rehab money, it's leasing 500 jail beds in another county and it's planning to build a \$1-billion jail designed for an expected increase in the number of mentally ill inmates.

County supervisors will soon be making some big decisions related to realignment funding from the state, incarceration and diversion. They would do well, beforehand, to visit Airport Court.

Possible Response Topics and Questions:

- Explain the need for finding an alternative solution to sentencing a mentally ill person to jail time.
- What factors make it difficult to solve this complex situation?
- What information should judges like Superior Court Judge Keith Schwartz take into account when sentencing the mentally ill?
- Propose an alternative solution to this problem or defend the current mode of processing disturbed people who break the law.