

## Judge calls for transfer of mentally ill inmates

**The court ordered a \$1,000 fine per inmate for every day they are unlawfully kept in jail.**

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Calling the Department of Children and Families arrogant, a circuit judge on Friday said he will fine the agency thousands of dollars a day if it doesn't remove mentally ill people from the Pinellas jail more quickly.

Pinellas Circuit Judge Crockett Farnell issued an order holding the DCF in contempt of court for not removing mentally ill inmates from the jail rapidly enough. State law requires that the DCF place people in a state mental health facility within 15 days of an incompetency order.

But many are staying in jail for months, where they tax the staff and sometimes harm themselves.

DCF officials have said they don't have the bed space to follow the law.

But the **Pinellas-Pasco Public Defender's Office**, which represents many of the mentally ill inmates, told Farnell in a hearing last month that the agency cut its budget last year by \$53-million.

That amount would easily pay for enough beds to accommodate all the state's mentally ill inmates who have stayed in county jails longer than 15 days.

Farnell said he will fine the DCF \$1,000 per day for each sick inmate who remains in the Pinellas jail beyond 15 days. The jail now holds about 30 mentally ill inmates who should have been transferred to mental health facilities weeks or months ago.

"This type of arrogant activity cannot be tolerated in an orderly society," Farnell wrote in his order.

DCF officials said they will appeal the ruling.

DCF spokesman Al Zimmerman said the number of jail inmates judges find too mentally ill to stand trial has increased greatly in the last few years. There were 863 commitments in the 1998-99 fiscal year, he said, while so far this year there have been 1,483 commitments.

There currently are 300 people on the waiting list for a bed, with an average wait period of three months.

Zimmerman said the DCF is increasing its 1,300-bed maximum capacity by 84 beds by the end of this month and hopes to add dozens more in its next budget.

"It's a matter of trying to catch up and trying to work with the legal system to try to find a way to at least find a temporary solution to this problem," Zimmerman said. "We are very eager to work with the judicial system to solve this problem."

As for the \$53-million cut, Zimmerman said that was federal money earmarked specifically for another program that the department had to return to the government.

The shortage of beds has become an issue all over the state and officials at other jails also have tried to get the DCF to take their mentally ill inmates.

In Hillsborough, the sheriff sued the DCF over the delays. In South Florida and in Jacksonville, lawyers have sought court orders requiring the DCF to follow the law. Five inmates also have sued the state.

In the Panhandle, a judge threatened to have a mentally ill inmate dropped off at DCF Secretary Lucy D. Hadi's office if the agency couldn't find a hospital bed.

**Pinellas-Pasco Public Defender Bob Dillinger** said it appears Farnell's order goes the furthest.

In his order, Farnell said the department must move the inmates into a private facility at the DCF's expense if state beds are not available. Private facilities can charge up to \$800 per day, said **Dillinger**, whose office has pushed for the removal of the inmates from jail.

Farnell set a Nov. 16 hearing to check on the agency's progress.

"It was a courageous act by the judge, but it needed to be done," **Dillinger** said. "You just can't have governmental agencies ignoring court orders. There's a law that says they're supposed to be moved in 15 days and ... they ignore it."

Maj. Kirk Brunner, commander of the Pinellas County Jail, welcomed the ruling. He said mentally ill inmates require a lot of staff time.

"They need to be in a treatment facility, not a holding facility," said Brunner, whose jail is overcrowded by more than 1,000 inmates.

One of the Pinellas inmates on the DCF waiting list poked out his eye. Another in South Florida gouged out both eyes.

"It's a shame the local taxpayers have to be burdened with housing these inmates," said Pinellas Sheriff Jim Coats.