

# Judge drops charges, fine in DCF deal

By Alisa Ulferts, St. Petersburg Times

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Bob Dillinger, the Pinellas-Pasco public defender, and Bob Butterworth, head of the Department of Children and Families met in Tallahassee and discussed the statewide controversy over mentally ill jail inmates.

On Wednesday, in a deal stemming from that conversation, a judge approved a plan that will dismiss all court charges and an \$80,000 fine against Butterworth's predecessor, Lucy Hadi.

The deal will require DCF to begin treating mentally ill inmates while they are still in jail, rather than waiting for an available bed at a state facility. But the agency will still attempt to transfer inmates declared incompetent to a state facility within the 15 days allowed by law.

"Everything seemed to fall into place," Butterworth said of the discussions that led to the deal.

DCF will use the \$80,000 it had set aside to pay that fine as seed money for the new program. Ideally, the earlier treatment will stabilize inmates faster, allowing them to go to less expensive community programs rather than a state hospital. The savings would then go back into the pilot program, Butterworth and Dillinger said.

Pinellas Circuit Judge Robert J. Morris approved the deal, dismissed all charges and the fine, and praised Butterworth and Dillinger for brokering a cease-fire to the battle that has raged for months between their respective agencies.

"This certainly is a very positive and well thought out resolution to the matter," Morris said.

DCF stabilizes inmates and teaches them about the court system so they can assist their attorneys in their own defense. Dillinger represents many of those inmates, and his office is widely considered progressive in the mental health field.

That Butterworth and Dillinger could so quickly forge a deal after months of fighting came as a surprise, they said. They both happened to be in Tallahassee on Monday and Tuesday for a series of judicial committee meetings. So was Morris.

After they began talking, they quickly decided too much money had been spent fighting the issue while inmates remained in jail without proper treatment.

"At the end of the day we're all trying to accomplish the same thing," Butterworth told Morris. "We never should have gotten to this point."

Said Dillinger: "It appears this is a new era of cooperation in state government."

'Judge's warning'

The feud began in the fall, when retired Pinellas Circuit Judge Crockett Farnell, at Dillinger's urging, threatened to jail and fine Hadi for ignoring orders to find space in one of the three state mental hospitals for inmates who had been declared incompetent to stand trial.

Hadi's lawyers said they lacked the capacity to house all the inmates; the number of inmates declared too mentally ill for trial has increased 72 percent since 1999. The amount of time inmates spend on the DCF wait list has increased dramatically over the last three years to an average of about three months, and the list at times has topped 300. Those inmates generally spend that time in jail, even if they are facing relatively minor charges or have no previous criminal record.

The controversy led state lawmakers last month to approve an emergency infusion of \$16.6-million, which will pay for another 373 beds at an annual cost of about \$125,000 each. Those should be available by June, Butterworth said.

After Farnell retired the case was passed to Morris. Wednesday's hearing was supposed to be a status check on the 19 inmates, noted in previous orders, who have been in jail longer than the 15 days. (Six remain in jail, according to Dillinger).

'Program to start soon'

Instead, Butterworth and Dillinger outlined how they planned to work together. Their staffs will meet with Pinellas County Sheriff Jim Coats' staff to determine whether to hire or contract personnel to treat inmates.

Coats said he was optimistic that the program would be successful. It certainly will help his staff, he said. "We've never had the trained staff or medications to deal with these folks," he said.

The program should be up and running by late next week, Dillinger said. He and Butterworth hope that the savings they anticipate from the program will convince other counties to try a similar approach, and lawmakers to fund it. At last count there remained some 220 mentally incompetent inmates across the state waiting longer than 15 days to be transferred to a forensic facility.