

## Rather than face a judge DCF does the right thing

A Times Editorial© St. Petersburg Times

June 14, 2002

It shouldn't take the threat of judicial contempt to get the state social services agency to do its job. But that is what happened this week in the case of Richard Knight, a mentally ill criminal defendant who improperly sat in jail instead of receiving treatment in a state hospital.

It shouldn't take the threat of judicial contempt to get the state social services agency to do its job. But that is what happened this week in the case of Richard Knight, a mentally ill criminal defendant who improperly sat in jail instead of receiving treatment in a state hospital.

The Department of Children and Families faced the prospect of answering to a Circuit Court judge for Knight's incarceration beyond the 15-day limit set by state law. DCF, however, asked for permission to bypass the hearing if it could place Knight in an appropriate hospital. The request came, incidentally, after Judge William Webb declined to allow DCF administrators to testify via telephone from Tallahassee.

Voila! Knight suddenly had a hospital bed. He left the Pasco jail Tuesday morning, and the hearing was canceled. In other words, the search didn't begin in earnest until the prospect of a subpoena was dangled and DCF administrators faced the inconvenience of traveling to New Port Richey to testify.

It is a ridiculous game of cat and mouse that is of such proportions Pasco-Pinellas Public Defender Robert Dillinger automatically seeks contempt orders whenever a criminal defendant in Pinellas is determined mentally incapable of standing trial. His reasoning? He knows DCF won't meet its obligation to move the inmate from jail to a secured hospital bed within the allotted time.

Keeping the mentally ill jailed instead of in a hospital denies them needed treatment. If Dillinger figured it out, how come nobody else has? DCF, not the public defender, is supposed to be the lead advocate for the mentally ill.

The state says it recognizes the situation, but also says there is simply no space at its three hospitals in Chattahoochee, Gainesville and Pembroke Pines where inmates are to be held until they are determined to be fit for trial. DCF is adding 25 new beds and converting 50 others in an attempt to relieve the waiting list.

Lawmakers need to address the problem. After a 10-year wait, money was set aside to create new beds last year. Still, it hasn't matched the growing need. In a two-year period, the number of mentally ill defendants requiring a secured bed in a state hospital grew by nearly 30 percent from 863 to 1,106. It means as many

as 147 mentally ill defendants are jailed, awaiting a transfer and at least 100 of them have been waiting longer than state law allows.

The ordeal of Knight, 21, detailed by Times staff writer Cary Davis, illustrates the chronic problem. It was Knight's first time in jail, arrested Dec. 27 after fighting with Port Richey police officers who responded to his attempted suicide. A judge found Knight incompetent to stand trial more than two months ago, but, until Tuesday morning, he was still in the Pasco jail where treatment meant increasing medication dosages for the paranoid schizophrenic and manic-depressive.

"His condition is getting worse," his attorney, Paul Firmani, the chief public defender in Pasco, told reporter Davis. "Civilized societies are judged by how they treat the poor and the mentally ill. We're not doing a very good job."

Indeed, we don't argue with his logic.