

Mentally ill left to wait in jails

Hundreds of inmates wait months for a bed in a state hospital. County officials blame DCF.

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LARGO - The Department of Children and Families for years has disobeyed a state law requiring the agency to transfer mentally ill inmates from county jails to state hospitals within 15 days.

Instead, because of a shortage in beds and funding, the wait list for those inmates has stretched to more than 300 who now wait an average of three months for a bed.

County jails and defense lawyers across the state now are trying to do something about it.

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

The crisis came to Pinellas County Tuesday. In a sometimes fiery court hearing, lawyers for the public defender's office tried to persuade a judge to hold DCF in contempt for disobeying court orders to transfer mentally ill inmates within the time limit. One mentally ill Pinellas inmate recently became so irritated in the jail that he plucked out an eye.

"That's arrogance. To blatantly have a government agency ignore an order - that has to be addressed," **Public Defender Bob Dillinger** told Circuit Judge Crockett Farnell.

DCF's statewide waiting list for its 1,300 hospital beds has more than 300 people on it. DCF officials admitted in court Tuesday that they are not meeting the 15-day requirement, but they said the agency has neither the beds nor the funding to fulfill the law.

"There is a statutory duty and we're not complying with the statute," DCF counsel John Raymaker told the judge. "But . . . at this point we do not have the ability to comply."

Farnell told **Dillinger** and assistant public defender Violet Assaid to prepare an order that addresses DCF's argument that it doesn't have the beds or money to follow the law.

Dillinger said his argument will be this: When DCF requested its 2006-07 budget, it totaled more than \$53-million less than the previous year. That money would have paid for 530 more hospital beds.

"This is the most vulnerable class of people we have in our justice system," Assaid told the

judge. "These are very sick individuals who are not getting better over in the jail."

The public defender was joined by a lawyer for the Pinellas County Sheriff's Office, which also wants DCF to remove the mentally ill inmates.

Robert A. Gualtieri said the jail held 3,773 inmates Tuesday, more than 1,300 over its capacity. That includes about 30 mentally ill inmates who should have been transferred to mental hospitals weeks or months ago. Those inmates exacerbate the overcrowding problem because they often require single cells and special attention from staff.

"The jail is not equipped or designed to handle these kinds of inmates," Gualtieri told the judge. "It's a dire situation at the jail."

Farnell seemed sympathetic to the predicament faced by the jail and the defense lawyers. He often overruled DCF attorneys and allowed Assaid to aggressively question DCF officials about their policies and decisions.

Though DCF officials said the state planned to add 84 hospital beds by the end of the year, Farnell didn't seem impressed.

"Unfortunately, 84 beds isn't even going to scratch the surface," he said.

"It's a tragic situation," the judge added. "The folks affected by this are the most unfortunate we've got."

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. Those inmates generally spend that time in jail, even if they are facing relatively minor charges or have no previous criminal record. The number of inmates who are too mentally ill for trial has increased 72 percent since 1999, DCF officials said.

Many mentally ill inmates in Pinellas and Pasco counties once were leap-frogged over other state inmates on the wait list because the public defender's office aggressively sought court orders demanding their transfer to state hospitals. But on Aug. 1, DCF stopped following those orders.

Hillsborough County jail officials say they face a similar problem with the mentally ill. Earlier this month, Hillsborough Sheriff David Gee filed suit against DCF, alleging that eight mentally ill inmates have remained in jail far too long.

"Over the years, I've done everything I can imagine to get (DCF) to take people in a timely fashion," said Col. David Parrish, who runs the county's jails.

Advocates for the mentally ill say the problem stems from a national trend in which government-funded mental hospitals have been shuttered. The state closed one in Arcadia several years ago.

"County jails throughout the United States are now the biggest mental health providers in the

country," Parrish said.

The hearing Tuesday in Pinellas was the first court appearance for Dillinger, the elected Pinellas-Pasco public defender, since his 32-year-old daughter took her life on Sept. 3.

"I just know that we need to help people who need help," Dillinger said after the hearing. "Or bad things happen."