

For mentally ill offenders, this courtroom offers a lifeline instead of jail



Jefferson County Circuit Judge Stephen Wallace Wednesday November 20, 2013 in his courtroom. He revived Birmingham's mental health court program along with District Attorney Brandon Falls and Foster Cook of UAB. (Frank Couch/fcouch@al.com/al.com) (Frank Couch)



By [Amy Yurkanin | ayurkanin@al.com](#)

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Before he entered mental health court, Kevin had worked out what he considered to be an unspoken agreement with the criminal justice system.

In exchange for using illegal drugs to escape his demons, Kevin – who did not want to use his real name – would spend part of the year behind bars for petty crimes like theft and possession.

"At the time, it was pay to play," Kevin said. "For me to be able to get away from myself, I had to be willing to give them three months out of the year."

The cycle played out for about 16 years as Kevin, addicted to heroin and suffering from post-traumatic stress disorder, rotated in and out of jail and rehab. Then last year, he picked up his third possession charge, a felony that carried the possibility of a long prison sentence.

Case workers and attorneys offered him an alternative – 12 months of supervised treatment through Jefferson County's mental health court in Birmingham. The program was resurrected last year under the auspices of Judge Stephen Wallace.

Petty crimes and major felonies

The program, which is administered in cooperation with UAB's Treatment Alternatives for Safer Communities (TASC), connects patients to drug and mental health treatment. It is one of 10 mental health court programs in operation around the state. The Bessemer cut-off operates its own mental health court in conjunction with TASC.

After he entered the program, Kevin went to rehab to get off heroin and began seeing a psychiatrist and psychologist to get a handle on his underlying mental illness.

Mental health court currently serves about 76 people facing criminal charges related to their illness. Most of them have primary diagnoses of schizophrenia, depression or bi-polar disorder.

Before the court launched, Wallace met with District Attorney Brandon Falls and UAB's Foster Cook. The three hammered out a program that could be flexible enough to offer treatment for offenders facing everything from minor offenses to serious felonies.

"If the underlying cause of the criminal activity is mental illness, we want to be able to get them into treatment," Falls said.

There are limits to the types of crimes that can be handled through mental health court, Wallace said.

"For the most part, these are non-violent offenders," he said. "There are some cases we take on a case-by-case basis that are violent."

On a recent morning, Wallace met with attorneys and case managers from TASC to sift through applications for the program. Potential clients had been identified by attorneys or through jail-based mental health screening. Not all would be funneled into mental health court.

Cases included a depressed middle-aged man who charged almost \$5,000 in personal expenses to a company credit card during a drunken bender. A schizophrenic who garbled his social security number during an arrest and wound up charged with obstruction. An Iraq War veteran with post-traumatic stress disorder who allegedly strangled his wife.

"Our overall goal is to directly focus on those who are being incarcerated because of a mental illness," said Jonathan King, program administrator for mental health court.

'Crash and burn'

Kevin began experimenting with drugs as a teenager growing up in the Birmingham suburbs. He graduated high school but dropped out of college to work.

His recreational marijuana use turned into something of a side business.

"I ended up as I got older, grew a little bit of weed, sold a little bit of weed, and I got myself into a situation where my buddy got his head blown off," Kevin said. "And I'm not a gangster and it messed me up."

After his friend died, Kevin turned to hard drugs – mostly heroin and prescription pills. He got arrested several times for possession, for stealing change from a Coke machine and breaking into a building to swipe less than \$10 from a business.

He was no longer afraid of jail. Inside, he met more people who could sell him drugs when he got out, he said.

"The worst thing that's going to happen is you're going to get arrested, and they're going to feed you," Kevin said. "And when you get out, it isn't going to cost you nearly as much to get high."

He promised his mother and grandmother that he would quit using drugs, but rehab never took.

"I'd crash and burn and get right and crash and burn and get right, but I wasn't facing the issues that I had," Kevin said.

While he was in the Birmingham jail, he met with case managers from mental health court. Lillie Flowers was one of the case managers who met with him early on.

"We really focus on building trust," she said. "I don't even talk about what people should do until they trust me."

He was surprised when Flowers and other case managers offered to drive him to appointments. A psychologist helped him understand some of his behavior – his hypervigilance and anxiety attacks. He made great progress until an old charge from Georgia caught up with him.

His guilty plea for mental health court triggered probation revocation for a 10-year-old case in Georgia. Kevin had to report to a work release facility where he didn't have access to the medication that had been keeping him stable.

No place to go

Alabama has drastically downsized its mental health care system since 2012, and often patients who can't access treatment end up in the criminal justice system.



Read more about the mental health care system

Police get called when a person is acting threatening or erratic due to mental illness. When treatment beds are unavailable, options are limited, King said.

"No one knows what to do with them, so incarceration is the quickest answer," King said.

King said one client with schizophrenia had never been under the care of a psychiatrist. When his symptoms became overwhelming, he would check himself into the hospital. His illness also caused him to get arrested.

"When he got to the jail, he was high on crystal meth and pulling his hair out," King said.

In mental health court, he got connected with treatment and received regular care from a psychiatrist. He moved back in with his wife, King said.

"He just bought his first pair of shoes in 10 years,' King said.

Some cases are tougher than others. At a recent meeting, Wallace and his team discussed a client with substance abuse and mental illness who left treatment two times. Since there are no locked treatment centers, he had to remain in jail.

The hardest part

Instead of ejecting Kevin from the program when he went back to jail, the team at mental health court chose to keep him in the program, helping to stabilize him on his drugs and keep him on track for graduation.

Kevin discovered that tackling his mental illness was much harder than dealing with addiction.

"There is nothing in this world that I have ever done that is any harder than admitting that what makes you you is wrong," he said.

All the survival tactics he had developed to deal with his PTSD and drug use became symptoms of a disorder.

"You get to the point to where the drugs take everything," he said. "You don't have anything but your self-will and ability to survive. It takes you from your house on the hill. It takes your business from you. It takes everything – it takes your freedom. So you don't

have anything but your life."

At a meeting in a coffee house, Kevin still sat near the exit with his back to the wall. He said he still keeps an eye out for exits and gets tense when people close in on him. But these days, he cares more about life than he does about survival.

"I do care if I die, and I guess that's the best thing that I got out of it," he said.

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