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## Decriminalizing mental illness in Ga.

### Georgia corrections chief works on treatment options for 9,382 inmates

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ATLANTA — One of every six inmates in state prisons is mentally ill, and the man who locks them up says that's too many.

"I think it's about time to decriminalize mental illness," said Georgia Corrections Commissioner Brian Owens.

Owens, adding his voice to those calling for sweeping reform in the state's criminal justice system, acknowledges that many mentally ill inmates are dangerous and should remain locked up. But he also points out that hundreds, perhaps thousands, do not represent a threat to the public and should be in treatment, not prison.

"What I've observed over the years is that if you have a mental illness, the first time you enter the criminal justice system you're there forever," he said.

"You're cycling in, cycling out, cycling back in. It never ends if you don't get the help you need."

Of the more than 9,300 mentally ill inmates in the prison system, roughly 6,100 were convicted of crimes involving violence and sexual abuse, according to Corrections data. About 3,300 are incarcerated for nonviolent crimes, such as forgery, shoplifting and drug possession. At \$51 per inmate a day, housing these inmates costs taxpayers more than \$60 million a year.

This year, the General Assembly approved landmark legislation designed to reserve costly prison beds for the state's most dangerous criminals. It represents a first step in Gov. Nathan Deal's plan to save \$264 million in prison spending over the next five years by diverting nonviolent drug and property crime offenders to programs that cost a fraction of prison.

The Legislature also approved Deal's request to quintuple funding to \$10 million for "accountability courts," including those for the mentally ill. The process for distributing that money began last week.

In a statement to The Atlanta Journal-Constitution, Deal made the case for accountability courts: "It does taxpayers no favors to focus only on the most expensive, least effective means of treating nonviolent offenders with mental illness."

Bill Fazekas of Albany was such an offender --- a drug addict headed for prison.

Fazekas graduated from the U.S. Naval Academy 30 years ago. Ten years later, plagued by depression and anxiety, he began using cocaine to push away the darkness within and give him the outgoing personality he always wanted. Then he began shoplifting so he could buy the cocaine and, after stints in the Dougherty County jail, entered the county's dual drug and mental health court program.

Even so, Fazekas continued to relapse until, finally, Judge Steve Goss sent him to an eight-month program in Bainbridge with barbed-wire fences on the outside and the treatment he needed on the inside.

Fazekas, now 52, has been clean ever since, more than four years now. He graduated from the Dougherty court program in December 2009.

"Without it, I'd either be dead or in prison in a long-term lockup situation," Fazekas said.

#### **'Some never go back'**

Of the more than 100 accountability courts in Georgia, 20 treat offenders with mental illness. Their primary goals are to make sure offenders take their medication, get proper treatment and find employment and suitable housing, said Judge Kathlene Gosselin, who runs Hall County's mental health court.

Gosselin and other judges cite common challenges: namely, high-maintenance offenders whose mental illnesses are not their only issues. Many use drugs and drink too much. Many have family problems. Many struggle to find a place to live. Many do not have transportation to get to the appointments they need to make.

Successes are often measured by how infrequently a mentally ill offender is returned to custody. It could be that one offender served a month this year in detention, as opposed to three months the previous year.

"But some never go back," said Judge John Allen, who presides over a mental health court in Columbus. "These courts can change people's lives for the better. It's a long process. It's a grueling process. And they're still sick, because you don't cure mental illness. But you can get them to a point where they can control it."

Owens, who oversees the \$1.1 billion annual corrections budget, noted that 160,000 Georgians are on probation for felony convictions and about 20 percent of them suffer from mental illness.

"When you've got 32,000 with mental illness on probation you're bound to grow your prison system with those probationers alone," Owens said.

During 2011, Owens said, an estimated 2,400 probationers with mental illness were returned to the prison system for technical violations, meaning they had not been charged with a new crime. Their violations included failing a urine test, not taking their medication and failing to report to their probation officer.

Owens said he was amazed when he learned that no mentally ill probationers from Dougherty County, where Gosselin runs his court, were returned to prison. Only two such probationers from Hall County, where Gosselin presides, were sent back to prison.

"You talk about proof of working," Owens said. "It's about understanding the needs of mental illness. ... not to mention the ethical part of it. It's just the right thing to do."

Owens said he thinks most Georgians would agree that mentally ill offenders should not be imprisoned if there are better alternatives. "I think most of Georgia would agree with that, if the resources exist in the community," he said. "That's the catch: how you develop the resources for the community."

#### **\$14 vs. \$50 a day**

Owens applauded the governor's push to put more money into accountability courts. The corrections chief said he is also putting more of his agency's resources into managing the mentally ill inmates and probationers under his control.

He said he will begin staffing each of the state's 14 "day reporting centers" with a mental health counselor.

The centers are an alternative to prison for errant probationers. The offenders spend the day working on substance abuse, criminal thinking, education and employment issues.

The programs are much cheaper than locking people up and they have been shown to be effective at helping offenders take on their problems while they are living in the community --- where they must face the temptations of drugs and deal with the stresses of family issues and holding down a job.

"Putting a mental health counselor there who will help keep somebody on the streets while continuing to take their medications costs us \$14 a day," Owens said. "If we revoke them to the state prison, it's \$50 a day. That's a huge difference."

Instead of shutting down two 200-bed pre-release centers, the agency is going to convert them into "dual-diagnosis treatment facilities" for inmates who need counseling for both drug addiction and mental illness.

In these residential facilities, inmates will receive treatment for up to nine months. If these offenders are returned to prison, their stays could last two, three or four years, Owens said. "There are huge cost implications here."

#### **'People on the fringes'**

Talley Wells, director of the Disability Integration Project at the Atlanta Legal Aid Society, said it makes sense for all parts of state government to work together to build the community support needed by people with mental illnesses.

State leaders should focus on community solutions --- not institutions, he said.

"Hospitals are not the answer," Wells said. "They were money vacuums that people went into and became worse off."

Owens said he has reached out to the state Department of Behavioral Health and Developmental Disabilities to begin a coordinated effort to manage people with mental illness in the community.

Certain people who are dangerous repeat and predatory offenders need to be in prison, probably for the rest of their lives, Owens said.

"But there are people who are on the fringes, particularly those with mental illness or addiction issues. If they are nonviolent and stealing to support their habit or they're mentally ill and really don't know what they're doing, we need to do something different."

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