

Where do mental illness, criminal justice intersect?

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James Kelly waited several months before he told his wife's latest attorney about her community service and details of her psychosis. All he wants is help, but he says he has found little from previous court-appointed lawyers and mental health advocates.

His wife, Naomi Ruth Kelly, has helped hundreds of East Texas children either through the Dorothy Jones Youth Program or by bringing them into their home out of the cold, James Kelly says. And she touted that work in her bid for Longview mayor in 2005.

This summer, however, she went on a tailspin. She was arrested four times between May 30 and Sept. 8 on charges ranging from aggravated assault to criminal trespass, endangering her grandson and obstructing a thoroughfare. She and her husband deny the charges, saying a doctor's office mistake led to 13 days in which she did not receive her medication. She remembers none of the incidents, she says.

"I spent \$8,000 in four months trying to save my wife," James Kelly said. "If (authorities) would have picked her up (at the first arrest) and put her in a place where she could have gotten her (medications), she wouldn't be in the situation that she's in."

James Kelly posted bond for his wife in every occasion, but he says he went to local prosecutors, regional mental health clinics and even her past attorneys looking for help but to no avail. Now, he is hoping his wife can avoid prison.

Naomi Kelly's story is not a headline-grabber such as those about Andrea Yates, Deanna Laney, Dena Schlosser and Lisa Diaz — Texas mothers accused of killing their children. It is one, though, that mental health experts say is often repeated. People with untreated or poorly treated mental illnesses commit crimes and end up in jails and prisons, costing the state and local governments money and preventing those people from being fully functioning, productive members of their communities.

A Collin County jury found Diaz not guilty by reason of insanity in 2004 after her two daughters were drowned in 2003. Last month, a Collin County judge ruled that Diaz is mentally stable and can leave a state hospital.

That decision might have re-ignited a discussion among people involved in the state's criminal justice and legislative systems about giving Texas juries a third option in criminal cases involving people with mental illness — guilty but insane.

At least 13 states provide a similar defense, while three states — Kansas, Idaho and Utah — do not permit any sort of insanity defense, according to Fox News.

John Bradley is district attorney in Williamson County, north of Austin. He is working with state officials to seek a formal structure in Texas criminal justice and health departments to provide for people with special needs. He also works with a county committee looking for local solutions in helping mentally-ill people to prevent serious crimes.

Bradley says guilty but insane is a legally inconsistent way to resolve a case because the mental health system, rather than the jail and prison systems, becomes a way of holding defendants responsible.

"If that's the concern, then fix the mental health system," he said by phone. "A person is not excused from responsibility for a crime simply because they have a mental health issue, and there are plenty of people with mental issues that continue to commit crimes because they choose to do so."

Gov. Rick Perry has yet to recommend any proposals to change the law, spokeswoman Kathy Walt said.

"Obviously, the governor is aware of the situation, and he'll pay close attention to the debate and how it will impact our criminal justice system and what protections it would afford victims," she said.

Counties are bearing the brunt of medication costs of dealing with mentally-ill people, particularly those awaiting trial, parole hearings or a transfer to a state corrections facility, "and that's the result of years of neglect by the state," Bradley said.

The Texas Department of Criminal Justice, in its legislative appropriations request for 2007-08, is asking for additional funding to provide mental health services for defendants who are being held in local jails, according to spokeswoman Michelle Lyons.

"A real problem in our culture in individual freedom is that people have the right not to take their medications," said Paul Andrews, clinical and forensic psychologist in Tyler who has worked with Smith County juvenile treatment programs.

He pointed to the story of Clifton Williams, who was sentenced to death this fall for killing a 93-year-old Tyler woman. Andrews said Williams suffered from schizophrenia and was receiving as many as three visits per week from mental health case workers. Funding cuts later ended those visits.

"He stopped taking his medicine, and 90 days later he killed a person. We have two people dead because of funding cuts," Andrews said. "Not everyone ends up with a crime of homicide, but a lot of people end up with no services or a lack of services ... and they end up in jails, in courts or in prison. I think the greatest way to prevent that would be more money for community health on an outpatient basis."

More than half of Texas prison inmates suffer from some form of substance abuse, Andrews says, and very few are treated in the criminal justice system so they often revert to old behavioral patterns when released from prison.

Bradley is confident that the 80th Texas Legislature, which convenes in January, will give high priority to improving the state's mental health and criminal justice systems.

His county has developed a task force in which sheriff's deputies responding to a disturbance call can request a mental health officer to evaluate someone and determine whether to hold him or her in a 72-hour treatment facility rather than taking the person to the county jail. At the facility, those suspects can receive their medications while authorities prevent a more serious crime from being committed rather than having the patient deteriorate with inadequate treatment at the jail.

"That's wasted money (to send them to jail) at that point, because for a jail to hold a mental health patient is a very expensive option, and it's the place where they are, depending on the facility, least likely to get appropriate treatment," he said.

"Medium and small counties with one psychiatric consultant — that's probably unusual. The number one complaint is the cost of that medication is escalating. It's effective, but it's expensive.

"The promise was that there would be a development of local community mental health systems," Bradley said, "and I'm hopeful that the Legislature in this session will finally form a productive relationship between the state and the counties."

Gregg County Judge Bill Stoudt says his the county's population of mental health patients is perhaps more manageable than in Williamson County. He suggests that family members and friends looking for help for a mentally-ill loved one should contact Sabine Valley Mental Health/Mental Retardation Center.

On Friday, Sabine Valley consolidated with another MHMR to serve eight counties, and it could be stretching into more counties in the future.

"I think the issue we have here is that Sabine Valley is going to a regional task force concept ... because the funding is being cut by the state," Stoudt said. "The concept sounds better to do more with less, but with mental health, it just doesn't work that well, and the mental health issues are not going away or getting less. The arithmetic is not working."

It is a lot to consider for state legislators who have border security, teacher retirement and property tax appraisals among dozens, if not hundreds, of issues — as well as a \$15 billion surplus — awaiting them for debate.

Meanwhile, Naomi Ruth Kelly waits to learn her fate. She will soon undergo a psychiatric evaluation.

"I'm just kind of at the mercy of waiting for the results of the doctor," her attorney, Richard Hurlburt said.

"She doesn't remember any of it. She can't help me out. If she comes back sane at the time (of the alleged offenses), how can I use what I got to defend her?"