

Court program for mentally ill allows treatment

A pilot Miami-Dade court program for mentally ill people allows prosecutors to drop felony charges if defendants finish one year of treatment.

BY DAVID OVALLE

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At 18, Keith Zapata's mind plunged into chaos. Suffering from schizophrenia and addicted to crack cocaine, he heard voices warning of impending doom and saw visions of Jesus in the sky.

Then he landed in jail, for punching out a car window near the Miami River last December.

But instead of awaiting trial behind bars or on streets teeming with trouble, Zapata, now 24, lives in a special residence for substance abusers. He's part of a pilot program sponsored by Miami-Dade courts that also assures he receives his disability benefits, takes his medicine and attends daily Narcotics Anonymous meetings.

If Zapata sticks with it, prosecutors will drop the charges against him by early next year. "It's been a really good experience," he said. "If it wasn't for the program, I'd still be in jail."

The diversion program, modeled on Miami-Dade's lauded drug court, allows for felony charges to be dropped if defendants complete one year of aggressive treatment and monitoring and, in some cases, pay restitution.

The effort stems from County Judge Steve Leifman's bid to overhaul the way mentally ill defendants are treated by the criminal justice system. It's based on the belief that getting regimented treatment for offenders early on will make them less likely to break the law again.

EARLY TREATMENT

"The earlier someone is getting treatment, the more likely they'll succeed in treatment and not become one of these sad cases of chronically mentally ill people revolving in and out of jail," said prosecutor Joanna Sandstrom, who oversees the program for the state attorney's office.

There's also the financial benefit of reduced jail time. Mental health coordinator Tim Coffey estimated that in the program's first year, more than 100 participants might otherwise have spent an extra 2,180 days in jail, adding to county costs.

A similar program for misdemeanor defendants has resulted in 80 percent of participants completing the year without getting rearrested, Leifman said.

The first graduate of the felony program just completed his year-long stint.

Prosecutors dropped an aggravated assault charge against Alex Dumelle, 22, on Oct. 13.

With a slew of other participants slated to finish soon, officials are planning a "recognition" ceremony in December.

The program's success ultimately will be judged by how many graduates stay out of jail. So far, just five of 100-plus participants have been rearrested, and only two have been booted from the program.

ONGOING CHALLENGE

Dealing with mentally ill defendants is an ongoing challenge for Miami-Dade's courts and correctional systems.

The main jail houses 1,200 inmates taking prescribed drugs for mental illness, making it the largest psychiatric facility in Florida, Leifman says. The county spends about \$50 million a year on mental health care for inmates, according to the court.

To enter the felony diversion program, defendants must be diagnosed with a mental illness such as bipolar disorder or schizophrenia. Their criminal record must be short and not violent. They must be capable of understanding the basic legal process.

Also, the crimes they are accused of must be less-serious, usually a third-degree felony such as cocaine possession or battery on a law enforcement officer.

If prosecutors and the crime victim approve, the defendant is released from jail and put under strict supervision. Most are placed into a residential program with aggressive treatment and monitoring. Some live with family.

Over the year, each must make monthly visits with Circuit Judge Deborah White-Labora, who leads her courtroom in applause for good status reports.

Prosecutors drop charges if defendants stay on their medications and out of trouble. For defendants with lengthier rap sheets, Sandstrom may instead offer a "withhold of adjudication," meaning the person is prosecuted but no felony conviction shows on their criminal history.

The program's \$330,000 budget covers salaries for six employees and some money to help place defendants in housing and receive medication, as well as transportation to and from court. It is funded through a state grant. But most defendants pay for housing and treatment with federal disability benefits.

Staffers help defendants such as Zapata, who had previously been denied disability benefits, navigate the cumbersome application process. After entering the program, Zapata began receiving benefits within a couple months.

CONSTANT BATTLE

Others, like Jerry Watson, 27, have received disability for years but still struggle.

A gifted sketch artist, he was diagnosed with schizophrenia after cocaine damaged his brain a decade ago, his mother said.

Even though he's had treatment off-and-on, Watson did not progress until after he was arrested in February 2008 and charged with committing a residential burglary.

Now, Watson is living at a Miami assisted living facility and getting regular therapy. He is nearing the end of his program.

“We've got to start talking at some point about school, a job, something -- a hobby,” Judge White-Labora told him during a recent court hearing.

Watson nodded. He wants to earn his GED after the charge is dropped, stay at the living facility and perhaps return to work at a car wash.

“It shows me that life still exists inside me,” Watson said of the program, “that people still care about me.”