

Specialty courts provide vanguard toward helping Utah's mentally ill offenders

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Police officers from Northern Utah went through crisis intervention training at the Swanson Tactical Training Center in Ogden on Friday, April 11, 2014. The real-life simulations were acted out by mental health experts from Weber Human Services, including suicide intervention, resuscitation, obstacle courses and standoff scenarios. The exercises prepare law enforcement officers for real-life situations dealing with the mentally disturbed.

Prosecutors and civil liberties groups are calling for more treatment for mentally ill criminal arrestees, with the goal of helping more defendants to recover and avoid lengthy incarceration. Weber County Attorney Chris Allred said prosecutors in his office who work with specialty courts such as mental health court and drug court are sold on the approach because they allow offenders to get help to become stable and even get a conviction removed from their record. Specialty courts and intensive treatment are a way to assist mentally ill offenders in achieving a productive life — and avoid packing the county jails with non-violent offenders whose criminality resulted from mental illness.

“We need more help in Weber County, particularly, an inpatient facility where we can place people in a safe environment while in the earliest stages of recovery rather than remaining in jail while our team helps participants find housing and begin treatment,” Allred said by email. In a recent report, the American Civil Liberties Union of Utah recommended the state aggressively pursue alternatives to incarceration for people weighed down by substance abuse or mental illness.

John Oldham said he thinks his son is one of those who has slipped through the cracks. John Dylan Oldham, 21, entered Lakeview Hospital in Bountiful for a mental health evaluation after expressing suicidal thoughts, according to 2nd District Court records. A Bountiful police probable cause statement said the hospital called police June 21 after Oldham allegedly destroyed \$5,000 in hospital property by swinging a chair around. The document said the man threatened security personnel, urinated in the room and demanded sexual favors from nurses.

“He doesn’t even know what the hell happened,” the elder Oldham said. The younger Oldham was taken to the Davis County Jail in Farmington. “He gets there and he’s fighting for his life,” disoriented, his father said. “He punched out one of the jailers.”

The son was charged with criminal mischief, a third-degree felony, and later pleaded not guilty. He was found not qualified for mental health court in September, and he’s now proceeding to trial.

Troy Rawlings, Davis County attorney, said mental health court cases are discussed weekly by a team consisting of his office, the public defender or a private attorney, mental health counselors and parole officials. The ACLU report urged caution with speciality courts so that offenders’ due process rights are not violated and that relapses by offenders receiving treatment are met with intensified treatment, not incarceration.

Allred said his prosecutors “are always looking for ways to make sure sanctions are fair and effective.”

“Particularly, we use jail only as a last resort and impose the shortest length of stay that is appropriate,” he said. “We also use alternatives like day reporting and work release to make sure that a jail sanction does not derail the progress that a struggling participant is making.” Mental health courts, “if run right, are a huge step in the right direction,” Rawlings said. Allred and Rawlings defended the practice of requiring a guilty plea for a person to qualify for mental health court.

“We need to do that to get jurisdiction to get them into the program,” Rawlings said. “If they comply, we can dismiss the charge on the back end or they can get a reduction in the charge.”

With a carrot and stick approach, he said, “they get a big benefit. Most mental health court participants walk out of there without a conviction on their record.”

Violent offenders and people who commit sex crimes are not eligible for specialty courts.

“We have hundreds of cases a year that can qualify,” Rawlings said. “These are non-violent people committing almost stupid acts of crime where mental health plays a role in their criminality.”

He added and said, “We’re fine with the (penalty) reductions. ... We’re not talking about people who are a threat to public safety.”

Before mental health courts, offenders were run through the system without much opportunity for rehabilitative services.

“How we handle mentally ill offenders, even those in custody, is one of the most important things facing the criminal justice system,” Rawlings said.

Utah’s specialty courts have the highest standards in the country, said Marshall Thompson, executive director of the Utah Sentencing Commission.

“They have really good results,” he said. “It’s better than incarceration, that’s for sure. The only reason some people are committing crimes is because they were mentally ill.”

Many mentally ill people end up in jail after they lose access to health care and can’t pay for their medications, said Dr. Kennon Tubbs, medical services provider for six county jails in Utah. Only one jail in Utah, Salt Lake County’s, has a psychologist on staff to help guide appropriate treatment for mentally ill inmates, Tubbs said.

The rest, especially rural jails, lack sufficient therapy providers, and there’s effectively no access to help from the Utah State Hospital, except for mental competency evaluations, Tubbs said.

“The jails are frustrated because they are fully responsible for these mentally ill patients when they commit crimes,” Tubbs said. “Utah basically turns a blind eye to our mentally ill until they have reached a point that they have to be incarcerated. And the jail setting is not great for patients.”

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