

Jails cope poorly with the mentally ill

Rosa Alejo went into the Dallas County jail on a probation violation and came out in a casket. Ms. Alejo, who was afflicted with bipolar disorder, became psychotic after the jail mental health staff didn't administer her regular regimen of medicine. Her descent into psychosis was documented in jail records and came to a horrific end when she apparently choked to death on a mouthful of coffee grounds.

Ms. Alejo's story is tragic in and of itself, but even more tragic is the fact that hers isn't an isolated incident. *The Dallas Morning News* and WFAA-TV (Channel 8) recently have reported that people with mental illness in the Dallas County jail get only cursory mental health exams and often are denied their medications. That should evoke alarm and concern in anyone who cares about fairness and justice.

There are ways to improve the

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plight of people with mental illness. The first, and most obvious, is to keep them out of jail. Some have suggested a diversion program, which would help police identify offenders with mental illness and send those people to treatment facilities instead of jail.

Treatment is critical; it is the lack of treatment, in fact, that gets many people with mental illness into trouble in the first place. Certain crimes, like misdemeanor assault and criminal trespass, are referred to in the mental health community as mental health crimes because they often are a result not of any mean-spirited criminal behavior but of untreated mental illness.

We also can make sure that jailed inmates suffering from mental illness get qualified counsel in a timely manner. A committed and

caring criminal defense attorney can go a long way toward curbing the impact of abuses like those recently set out in the media by following up on mental health issues and by working to ensure that jail staff provide any necessary medication.

The Texas Fair Defense Act, a comprehensive new law designed to ensure the prompt appointment of qualified attorneys to poor people accused of crime, is a great first step toward improving the representation of people with mental illness in jail because many of those inmates are represented by appointed lawyers.

Even while we know quality legal representation and mental health treatment can help get and keep people with mental illness out of jail, we are coming up on a legislative session in which money is tight. That means the creation of more mental health facilities and additional state funding for indi-

gent defense might be tough to sell.

We have to remind our county officials and legislators that treating mental illness instead of ignoring it is cost-effective. Jails are expensive, and many people with untreated mental illness circulate through the jail system over and over again on misdemeanor charges.

We also must remind them that treating people with mental illness in jail is good for the public at large. The county jail is near popular clubs and restaurants in Dallas. Most people dining in Deep Ellum or the West End would rather come across a person recently released from jail who received quality mental health treatment than someone who is in a psychotic state because he didn't receive his medication in jail. Running into a person with untreated mental illness who is hallucinating or paranoid makes most people feel uncomfortable and sometimes unsafe, even if there is

no real threat to them.

More to the point, we must tell our local and state officials that what happened to Ms. Alejo was wrong and that the inhumane treatment of anyone, but especially of the most vulnerable citizens in our society, must be stopped. We have to tell them that creating mental health facilities and improving indigent defense should be priorities this next legislative session, even during these tight budgetary times.

Raman Gill is an attorney fellow at Texas Applesseed, a public interest law center that has produced a handbook for attorneys to help them better represent their clients with mental illness in the criminal justice system. The handbook can be downloaded for free at www.applesseed.net/tx. David Finn, a former assistant U.S. attorney and Dallas County criminal court judge, now is in private practice.

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