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Toward restoration

Progressive courts and a new reentry program may save inmates and \$ too

ILLUSTRATION BY TIFFANY MAPLES

BY GREG HARMAN

If I didn't feel so sick today I would have dressed up," the young woman sharing one of several long wooden benches is telling the quiet tough face beside her. Sniffing, she pulls a pair of golden shrimp earrings from her pocket and begins to stitch them through her lobes. "Maybe if I put my earrings in I'll look better."

Inside this single-story bunker on North Frio known as the Restoration Center, the courtroom is about half full when a robe-less Judge Ernie Glenn enters. No one stands up. The judge's face curls into a broad relaxed smile as he settles in behind his papers. "I don't see any bad stuff going on. It's mostly good," he says, and the room fills with spontaneous applause.

It's Friday morning, and one of the county's newest courts, one tailored to a slice of San Antonians struggling with both addiction and mental illness, is in session.

During the hour-long proceedings, one after another former inmate stands before the judge winged by a probation officer and a psychologist. Those who pass muster are entered into a raffle for a \$10 McDonald's gift card and welcomed back to their seats by a roomful of happy hands. Only one or two still fumbling with their addictions fail to elicit the audible approval of their peers.

It's taken egregious jailhouse deaths and millions of misspent dollars to get here, but Bexar County has finally begun the tentative process of transforming its criminal-justice system into one that aims for more than retribution. In the hopes of relieving jail overcrowding and cutting sky-high re-arrest rates, the Bexar County Commissioners created a string of specialized courts over the last few years dedicated to helping residents put their lives back together. There are three dedicated drug courts, a mental-health court, and Judge Glenn's six-month-old dual-diagnosis hybrid. Three weeks ago, a DWI court opened, and another tailored to the needs of military veterans is in the works.

Though the programs are young, their returns are promising.

Of the 505 graduates of Glenn's felony and misdemeanor drug courts, launched in 2004 and 2001, respectively, only 17 percent have returned to jail. With the infusion of additional resources over the past three years, that number has dropped to 8.5 percent, said Vicki Longoria, Bexar County program analyst. At Judge Michael Mery's two-year-old mental-health court, the recidivism rate among the 107 who have participated is about 25 percent, according to Aurora Sanchez, executive director of community and development programs for the county.

It's still too soon to tell where the dual-diagnosis court's numbers will land, but to date there have been no re-arrests among the 20 enrolled.

Bexar County Jail — where nearly one out of every four inmates is receiving psychiatric treatment from the County's University Health System — does not track recidivism rates due to the "number of variables" at work, but state records show roughly 33 percent of those released from state jails in 2005 were re-arrested within three years.

"Not knowing how to separate the chicken feed from the chicken pellet allows us to incarcerate the world," said Bexar County Commissioner Tommy Adkisson, who was facing a primary election challenge from former Council Member Sheila McNeil and Anna Campos as the Current went to press. "I call it indiscriminate incarceration, where mental-health and substance-abuse problems end up in our jail."

The high number of re-arrested residents strained Bexar County Jail capacity last year, leading in turn to five inmate suicides and 769 episodes wherein "full suicide precautions" were implemented by jail staff. Many of those who hung themselves were re-arrests at that turbulent intersection of drug withdrawal and mental exhaustion.

Appropriate housing was hard to come by with the jail at 99-percent capacity for much of the year, and many inmates were sent out of county for holding. Jail records indicate at least two of the suicides occurred after the jail administration could not find room for at-risk inmates in the suicide-prevention or mental-health units because of over-crowding. [See "Death by Numbers," January 20, 2010.]

"At any given time, there are on average 280 inmates occupying designated mental-health beds. In addition, there are many more with mental illness housed in general-population units," said Sally Taylor, UHS's head of psychiatric service at the jail. "The vast majority of persons screened by mental health at the time of booking had evidence ... for a major mental illness."

Joel Solis was a 27-year-old heroin addict enrolled in a local methadone treatment program when he was arrested in late December. According to family members, Solis's methadone was discontinued at the jail, and five days later he hung himself with a shoelace.

His brother, Ricardo Solis, said the two grew up in the rough Apache Courts neighborhood and started taking heroin by the time they were 11. Ricardo says he was able to quit cold turkey after becoming a father, but his brother needed additional help.

After Joel's arrest, Ricardo went to the jail daily with Joel's girlfriend. "We were there every day saying, 'He needs his medication. He needs his medicine,'" Ricardo told the Current. "We were there every day, trying to persuade them, 'He's suicidal. He's telling us he wants to take his life. You need to put him somewhere. You need to get him help.'"

The jail's public-information officer referred questions to the University Health System, the county agency responsible for health care at the facility. UHS did not respond by press time Tuesday.

Interestingly, the same year Bexar County's lockup racked up three times the national suicide rate among inmates, the Texas Commission on Jail Standards gave the facility a rare passing grade — its third in nine years. However, after the first suicide of 2010 in February, TCJS cited the facility for failing to adequately supervise inmates.

In response to concerns raised by UHS staff, Jail Administrator Roger Dovalina appointed a mental-health liaison last year and started a jail support group for young offenders. Also at the request of UHS, the Sheriff's Office invited a nationally recognized expert in suicide prevention to examine their facility, policies, and procedures. Concluding a three-day investigation last week, Lindsay Hayes, director of the National Center on Institutions and Alternatives, commented on the overcrowded condition of the mental-health and suicide-prevention units. A full report is expected within two weeks.

Debra Jordan, deputy chief at the Bexar County Sheriff's Department, said discussions are already under way over possibly designating more mental-health beds at the jail's annex.

"We've literally opened up all the doors and windows," Jordan said. "He's had total access to everything. He's had access to our staff. He's had access to our mental-health folks, to our doctors. He had total complete access to both our buildings."

Some players in Bexar County's justice mix were already preparing the road to reform prior to 2009's suicides. However, negative press and the TCJS citation have increased the pressure at the jail for new approaches.

The dual-diagnosis court launched six months ago is the first of its kind in the nation, according to Judge Glenn. Yet only 20 former inmates are participating so far. Only a few hundred process through the other drug and mental-health courts each year. Generally, the courts require participants to attend a 12-step meeting three times a week, meet with probation officers and drug counselors twice a week each, and attend court every week. The programs run about 20 months, including the six months of "after care," when participants receive regular sobriety monitoring.

Though the criteria for acceptance has been expanded from its originally proposed design, the numbers working their way through Judge Michael Mery's mental-health court, for instance, are still a fraction of what critics say they could be.

Challenging Mery's seat at County Court-at-Law 12 in this week's primary election, Richard Garcia criticized the criteria for participation as too restrictive. "If you're charged with an alcohol-related offense and you have a mental-health problem, they don't accept you. The criteria set by Judge Mery is so high that really only about 10 percent of the people are getting accepted."

Mary Helen Lopez, the newly named deputy chief at Bexar County's Adult Probation, was the chief architect of Mery's mental-health court. She said criteria for participation was a big conversation between Mery's court, Adult Probation, and the district attorney's office. At first, they planned to take only first-time offenders with no history of violent behavior. However, that was changed early on when

Lopez realized there were few to no inmates that matched the rigorous criteria. While individuals with multiple offenses are considered on a case-by-case basis, violent offenders remain excluded. ("Would the current staff be able to handle someone with a history of violence? I don't know," Lopez said.)

In addition to specialty courts, reforms with the potential to help far more people are on the horizon. Just over a year ago, Adkisson founded a "reentry" council — one of only three in the state — dedicated to expanding assistance to the formerly incarcerated. The council has already helped create two fulltime jobs at the jail, where exiting inmates are given hygiene products and contact numbers for area social services. The courts, the referrals, all are "baby steps," according to Sheriff's Deputy Chief Jordan. Much more has to be done to help the formerly incarcerated stay out of Bexar County Jail, she said.

"When we push them out the front door of the jail and we say, 'Now you go out there and be good and become a taxpayer. You get a job and you work and you don't cause any more trouble,' we're setting 'em up for failure because they cannot possibly achieve that goal," Jordan said. "They don't have the tools in their toolbox to achieve that."

Already, County Commissioners have set aside more than \$2 million to purchase and outfit a facility for a reentry pilot program, and a state-level reentry council has applied on Bexar County's behalf for \$300,000 in federal funds to staff it. What Jordan and others hope to establish, possibly as soon as June, is a center where interested individuals released from federal or state prisons and early-release inmates from Bexar County can gather, get job and housing assistance, receive mental-health and substance-abuse help, collect bus vouchers, and connect with the community they live in.

Only 200 former inmates would receive assistance from the pilot at first, and it would take several years to collect statistics to gauge successes and failures. In the meantime, housing will continue to be a critical issue for former inmates.

While preparing for court Friday, a staffer informed Judge Glenn that a drug dealer had been trying to sell to several women in the dual-diagnosis program housed at an apartment complex in Balcones Heights. "That's just what we need is some guy over there hitting up all our bipolar girls," Judge Glenn said. "We need to figure out who the dealer is." The client, however, refused to narc on the dealer.

"What he's saying and not saying is that's probably the only place they can live," said Mike Gilbert, associate professor of criminal justice at the University of Texas at San Antonio. "Our county has the lowest capacity for residential reentry services, such as residential treatment centers for returning offenders, of any major city in the United States. In fact, most of our returning offenders can't find a place to be supervised in our counties, so they end up being placed out of our county. A lot of them are up in Austin. So we're not doing a very good job of reintegrating people back into our community."

Gilbert, a 20-year veteran of the corrections system and former assistant director of the Alaska Department of Corrections, is an enthusiastic supporter of what has come to be called "restorative justice."

"Housing, employment, health care, just the basic requirements of life are very difficult to be reestablished without support," he said. "Many come out without even a driver's license or an ID card. How do you begin to get your life together again without a driver's license? These are public-safety risks when we do stuff like that."

By looking at the motivations behind criminal behavior, criminal acts can often be averted, Gilbert said. "I've worked with offenders for a lot of years. And I've had a number of them say something to the effect that, 'You know, I was hungry, I was cold, and I was a half-hour from committing another crime because I thought it was hopeless.' Most of them say, 'The only reason why I didn't that day is I found someone who could give me food, give me shelter, give me something that day.'

To fully implement the vision, a grocery list of community forces would have to be rallied, including local law enforcement, jail staff, probation case workers, county and state agencies, churches and nonprofits, and neighborhoods — with community volunteers being the most vital.

"Instead of having one probation officer or one parole officer looking after them, they have perhaps 30, 40, 50 people who know them and who are familiar with them, who know what is going on with their lives, understand them, and everytime they see them recognize who they are. Who knows them best but people they live next door to?" Gilbert asks.

As Jordan says: "Everybody and their brother wants to come inside the jail and do things to help. I don't need 'em inside the jail. I need them at the front door, to meet these and to help these people with housing, with food, with clothing, with shelter, with counseling. All those issues they legitimately need."

Adkisson suggests the reentry model is better than a bed in county jail: "Sitting around in jail and swapping stories with thugs and punks and figuring out how they can beat us up and rip us off when they get out isn't my idea of reclamation."

There's a more obvious argument in favor of reentry and restorative principles, though:

Money.

Mentally unstable offenders declared not guilty by reason of insanity, incompetent to stand trial, or discharged from mental-health courts often wind up under the supervision of Bexar County's Community Health Care Services. For roughly \$30 per day, CHCS staff keep tabs on the offenders, counsel them, monitor their medications, and make sure they stay out of trouble. To house the same offender in a state hospital or Bexar County Jail runs closer to \$300 per day, said Mike Alkek, clinical administrator for CHCS's Forensic Courts Services Unit.

The same holds true for the general jail population. It costs taxpayers about \$60,000 to build one prison bed, which will last for 30 years, UTSA's Garcia said. It costs another \$30,000 to manage that bed each year. By contrast, outpatient restoration services are often run for less than \$50 per day and dramatically cut the rate of re-offense.

“When somebody fails and goes back to prison, it’s a shot in the foot of the taxpayer. At one level, we walk around saying, ‘By golly, we’re tough,’ and on another level we limp around and say, ‘Boy, that hurt,’” said Garcia.

As state agencies in Austin explore large budget cuts this year, Adkisson sees a glaring need for a new justice model.

“It’s easy to say, ‘I’m not my brother’s keeper. I don’t have to be,’” said Adkisson. “That’s true. You can be narrow. But I would suggest it’s in our own enlightened self-interest to see that these people are out there working and paying their taxes and taking care of their kids and supporting the mothers of their children and paying their bills and having a good life. It’s in our interest.”

Garcia points to a faith-based restorative program in Houston that has cut recidivism rates among graduates of the intensive 14-week program to less than 10 percent. Meanwhile, here in San Antonio, Bexar County Detention Ministries — an interfaith nonprofit serving 10 facilities in Bexar County — has been providing reentry assistance for three years. In 2009, 2,800 formerly incarcerated Bexar County residents tapped into their many programs. Detention Ministries doesn’t have three-year statistics to lay against federal stats showing that 67 percent of folks sent to jail will be re-arrested in three years, but among the 2,800 served last year, 89 percent stayed clear of lock-up, according to executive director Carol Lockett.

Lockett, a member of Bexar County’s reentry council, said the need for more such services is critical. “So when people do screw up and they go to jail and they come out, they don’t feel like they’re lepers and that society has just completely turned their backs on them. Everybody deserves a second chance.”

When her name is called, a woman in inmate coveralls carries her shackles gingerly as she walks to the bench. Judge Glenn offers to transfer her out of jail into a work-release program. Approving claps break out again. The slight inmate, the back of her hair twisted into rows of kinks, asks if her sister has called on her behalf. “That is not a good neighborhood for you,” Glenn responds. “There is a lot of drug-dealing going on. If you decide you don’t want work release and you go back, there’ll be a warrant for your arrest and you’ll go back to jail.”

“Work release sounds pretty good right now,” she whispers. As she settles back against the wall, she’s smiling at the floor, her eyes noticeably brighter. •