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Special court in S.F. offers hope and help to those short on both

Heather Knight, Chronicle Staff Writer

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As debate rages over how to solve San Francisco's seemingly intractable homeless problem, city leaders, academic researchers and even some formerly homeless people themselves say progress is being made every Thursday afternoon inside Department 15 at the city's gloomy Hall of Justice.

For a couple of hours each week, the courtroom fills with dozens of defendants with serious mental illnesses who have been charged with or convicted of crimes ranging from misdemeanor theft to felony assault and robbery. Almost all were homeless or on the brink of living on the streets at the time of their arrests, and many of them struggle with drug or alcohol abuse.

It sounds like a scary scene, like many city residents' worst fears gathered together in one room. But it's surprisingly touching - and according to Superior Court Judge Mary Morgan, who presides over the court, it's "the most hopeful thing happening in the criminal justice system."

On one Thursday not long ago, a bipolar man arrested in March for battery against a BART agent brought his trumpet to court on Morgan's orders and stunned the packed courtroom into silence with his rendition of "Somewhere Over the Rainbow."

It's not unusual for defendants to approach the bench to present Morgan with a poem, greeting card or artwork they have crafted just for her or to show her the most recent photograph of their children.

Working with a host of city agencies, the court gives the defendants specially designed treatment plans that include case managers to help them get into psychiatric rehabilitation and supportive housing programs, obtain proper medications and find assistance to overcome drug and alcohol abuse. If the defendants successfully complete the program, which usually takes a year or two, their criminal charges often are reduced or wiped from their record.

But maybe more importantly for the defendants, Morgan and others say, these Thursday sessions could be the first time in a long time anybody's paid attention to them - other than spotting them on the streets and quickly scurrying away.

"We have a lot of cases in here. We're busy making sure they're in compliance with their treatment plan and doing well," said Jennifer Johnson, a lawyer with the public defender's office who represents many of the defendants at the court. "It's nice sometimes to stop and listen to what

they're interested in - what moves them."

Lisa Lightman, who directs this and other special courts within the San Francisco Superior Court, said defendants often say the best thing about the court is simply getting noticed.

"That moment makes all the difference for them staying in the program," she said. "Sometimes it's the first time they've been heard by an authority figure - they feel recognized."

Recidivism curtailed

Behavioral Health Court works, according to a UC San Francisco study published in September in the *American Journal of Psychiatry*. The study found that participants in the program, marking its fifth anniversary this month, are far less likely to commit future crimes than mentally ill criminals processed through the traditional justice system.

Data indicate that by 18 months after completion, participants, who at first are required to make weekly court appearances, are 39 percent less likely to be charged with a new offense than mentally ill people in the regular court system. The risk of being charged with a new violent crime was 54 percent lower, the study found.

"The participation appears to enhance public safety - not compromise it," said Dale McNeil, one of the authors of the study.

But not everyone is convinced the court is an answer to San Francisco's homelessness problem.

Jennifer Friedenbach, director of the Coalition on Homelessness, said it's one more example of the city offering services to homeless people and the mentally ill only after they become part of the criminal justice system. She and other advocates wonder why these well-regarded services aren't as readily available to mentally ill homeless people outside the courts.

"We just don't have enough treatment for everyone who needs it," she said.

One person who has benefited from the Behavioral Health Court is Maurice Chambers Wilson. On one recent Thursday, the 37-year-old approached the bench and told Morgan about his new room in a single-room-occupancy hotel.

"I have the key right here to open the door to my happiness," he told her, waving the little gold-colored key as proof.

"I want you to stay on track and remember how important having a place to live is," Morgan told him before, as she often does, ordering a round of applause for Wilson from the entire courtroom - the burly bailiffs included. (The bailiffs are specially trained to put up with more yelling and other behavior than would be tolerated in traditional courts.)

A challenging clientele

Wilson was a homeless alcoholic struggling with manic depression, schizophrenia and bipolar disorder when he said he heard voices one night telling him to hurt someone. He hit a stranger walking across Market Street in the Castro and was arrested for felony assault.

He spent several months in jail before being selected for the Behavioral Health Court seven months ago.

When he's not in court on Thursdays, he's likely to pass his days in a dingy building on Market near Fifth Street, which houses Citywide Case Management Forensic Program, the unwieldy name given to the social services component of the court, which is run by UC San Francisco.

There, those participating in the court meet with social workers, join support groups, take classes in art and cooking, play board games and just hang out. If the threat of jail is the stick, this building, which Wilson calls a sanctuary, is the carrot that keeps him and others determined to make it.

"The model of connecting the services to the court does work," said Kathleen Connolly Lacey, program director of Citywide. "There has to be a benefit to people to participate. They work harder than they would if they got straight probation."

She added that the center gives some structure to people who often don't have jobs, aren't in school and aren't raising families.

"They're so highly structured in jail and when they get out, they have nothing to do and that leads to, um, interesting activities," she said.

Wilson's days now consist of working a part-time job running errands for the owner of an art gallery.

"I've made a real turnaround," he said. "I want to be a more productive citizen in society."

The court handles more than 200 cases a year like Wilson's. Many city agencies collaborate with the Superior Court to make it work, including the district attorney and public defender's offices, the departments of Public Health and Adult Probation, the Sheriff's Department and Jail Psychiatric Services.

Judges, attorneys or staff with Jail Psychiatric Services can refer a defendant to the mental health court, though participation is voluntary. Those who qualify are in jail and have serious mental health problems, such as schizophrenia or bipolar disorder, which directly contributed to the person committing the crime in the first place. Defendants charged with sex offenses, homicide,

domestic violence or weapons offenses aren't eligible.

"These are people who are ill and who need treatment for their sake, for the sake of their families, for society at large," Morgan said.

Goal is graduation

Once they become part of the court, the defendants are never homeless. They stay in jail until they can be provided housing, often in SRO hotels in the Tenderloin.

As they progress through the program, they are required to go to Morgan's Thursday court session less and less often until they "graduate." A graduation ceremony is planned for Wednesday, and Mayor Gavin Newsom is scheduled to be the guest speaker.

The Thursday sessions usually last a couple of hours and consist of each defendant coming to the podium with a public defender or private lawyer to speak with Morgan for a minute or two about their progress.

"Hello, your honor," one man said on a recent Thursday. "I'm a clean and sober person for three months and four days now. And my place is so clean. I go on cleaning spurts!"

"I learned how to make sushi," another told her.

Another showed off his brand-new jacket.

Morgan remains patient and calm with each one, giving many of them a little piece of advice or a compliment.

"You're doing well, so well. ... Just be patient, OK? Don't give up. ... Your hair's different! You look great ... I hear you have a job at Safeway You look much better in those clothes than you do in orange ... Eat fruits and vegetables - they're the best thing for you You're the most important person in the world to you, got that?"

But she's also firm when defendants aren't doing well, telling them they risk being booted from the program and returned to the traditional court system if they don't shape up. Often, that means heading straight to state prison.

"You're out of control," she told one recently. "You're doing too much in the way of drinking and doing too much in the way of drugs. You've got one week to get it together."

One who has gotten it together is Sherry Erlandson. The 28-year-old high-school dropout struggled with bipolar disorder and a drug addiction and was arrested in late 2004 for felony assault after slamming her then-girlfriend's finger in a door. She used to cry to Morgan every Thursday

afternoon.

Now, she lives on her own, takes her medications, speaks about mental illness to the sheriff's department and community groups, started a pet therapy group for the other defendants and holds a job serving food at the social service center's Jitterbug Cafe. She's due to graduate soon.

"I've never graduated from anything - I'm so close now," she said, a huge smile spreading across her face. "I would recommend it to anybody - it's changed my life tremendously. This is my first job ever in my whole entire life - I'm just so happy."

Special courts aim for rehabilitation

The Behavioral Health Court is just one of several "problem-solving courts" within the San Francisco Superior Court.

The model, which is catching on around the nation and in several other countries, aims to go beyond punishing defendants for their crimes by focusing instead on rehabilitation of problems that contributed to the crimes being committed in the first place.

While the Behavioral Health Court focuses on healing defendants' mental illnesses, San Francisco's 12-year-old Drug Court aims to rein in their drug addictions. Youth with mental illness or substance abuse problems can access services through the Youth Treatment and Education Center, also part of the Superior Court, which includes a special high school for juveniles on probation.

A new problem-solving court - and pet project of Mayor Gavin Newsom - is due to open in April and tackle misdemeanors and nonviolent felonies including car break-ins and shoplifting that plague the Tenderloin and South of Market neighborhoods.

Called the Community Justice Center, it is modeled on Manhattan's Midtown Community Court. A Superior Court judge will preside over the new court, handing down sentences mixing community service and social services.

Originally, Newsom wanted the court to concentrate on smaller quality-of-life crimes such as public urination and public drunkenness.

But the Superior Court decided to use the court to focus on somewhat more serious crimes, in part because under state law, people issued infractions for quality-of-life crimes cannot be taken into custody and brought straight to court, which is what happens in the New York model. In California, they are issued citations and told to come to traffic court within 45 days.

Supervisor Bevan Dufty, one of City Hall's biggest champions of problem-solving courts, has asked the city controller to prepare a report on how the various courts are working and how the new

Community Justice Center will fit in with them. Dufty said he is a huge fan of the Behavioral Health Court and has referred many people from his district to it.

"My experience referring individuals to the Behavioral Health Court has been extremely positive, both for individuals and the neighborhood," Dufty said. "It's a holistic approach that recognizes that much of the state's mental health system has been dismantled over the past generation."

- Heather Knight

E-mail Heather Knight at hknight@sfnchronicle.com.

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