

Mental Health Court Project wins praise

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NASHUA — Tim Philbrook has been on home confinement for eight months awaiting trial on misdemeanor charges instead of being incarcerated the whole time in Hillsborough County Jail.

Philbrook, 39, lives with his parents in Nashua instead because he was accepted into the Community Connections Mental Health Court Project as part of his bail supervision.

“It’s allowed me to be out on bail, which was nice. I didn’t have to sit in jail all this time, and I was allowed to still receive my mental health care,” Philbrook said.

Philbrook, who is diagnosed with schizoid affective disorder and bipolar disorder, said Mental Health Court has changed his life. His mother, Kathy Toomey, said it has been a miracle for her family.

“My son is back,” Toomey said. “My son is back. That’s all I can say.”

Toomey said her son has changed now that he is following the court’s orders.

“He’s in a really good place right now. He’s thinking clearly. He’s able to articulate how he feels. He’s focused. When he’s not on medication, he can’t focus,” Toomey said. “He’s Tim. He’s my son again.”

Toomey said it’s important for people to understand Mental Health Court doesn’t excuse criminal behavior.

“This program helps them understand they need to take care of themselves,” she said. “It’s protection for everyone.” Philbrook must appear before Nashua District Court Judge James Leary every week and follow through on his mental health treatment plan.

Scott Brennan, who is the liaison between the court and the Greater Nashua Mental Health Center, said that means Philbrook has to take his prescribed medications and is not allowed to leave the house without supervision and permission.

People are referred to Mental Health Court for misdemeanor nuisance crimes that are the result of their mental illness, not for violent crimes or sex offenses, Brennan said.

Only district courts in Keene, Portsmouth, Rochester, Exeter and Hillsborough County have Mental Health Courts, although one is expected to start in Concord, he said.

Philbrook must also take responsibility through the criminal justice system.

On Thursday, he was convicted of criminal trespass, a misdemeanor, and will be sentenced next

month. Brennan said he will make recommendations to the court in Philbrook's favor.

James O'Mara, superintendent of Hillsborough County Department of Corrections, is so convinced the Mental Health Court saves money that he sought an appropriation in his department's budget to help pay the \$100,000 needed to pay Brennan and his counterpart in Manchester, positions that are currently grant funded.

It is hard to quantify how much it will save until he is able to close a full unit at the jail, O'Mara said. But he had projected he would need bedspace for 610 inmates this year and has about 550 instead, which he believes is a direct result of Mental Health Court.

"County correctional facilities are capable of maintaining treatment for mentally ill people in a very safe environment, but it is still an institutional setting, he said.

"Folks with mental illness should be maintained in a community setting so they can continue to be part of their community, not an inmate in county jail." Data released by Community Connections show the jail saved an average of 33 beds per day for individuals with mental illnesses in 2010, and saved an additional \$65,041 on medication.

There are no other additional costs to the state court system, according to Judge Edwin Kelly, administrative head of the District and Family courts. Judges and staff take on the extra work because they believe in the Mental Health Court projects, Kelly said.

Kelly said such courts are expanding slowly, and only when judges and staff specifically ask to take on the additional work.

A Council of State Governments Justice Center study examining people who entered the Hillsborough County Jail from February to May 2009 showed 8.3 percent were mentally ill and taking prescribed psychotropic medicine. Of the 1,481 inmates admitted during that time, 71 percent were being held while awaiting trial.

On average, people identified with mental illness were spending more than three times longer in jail awaiting bail than those without, or 35 days instead of nine days, the report said.

It suggested mentally ill people lack the zeal to find a way to post bail, lack of family and financial support, and may have extended stays related to competency determinations.

Judge Leary spearheaded the Mental Health Court in Nashua, starting about five years ago,

During one recent session, about 20 people appeared before him with Brennan to update Leary on how they were doing.

Only two of those attending a recent session were having problems, and Leary ordered immediate action to get them back on course, one of which involved drug testing.

"It's been inspiring for me," Leary said.

What has most surprised him is how the people reach out to help each other.

“They are sharing ideas about common problems,” Leary said. “That part was unanticipated, this sense of community.” On one of his first days as a judge, three people appeared before him that caused him to wonder whether there wasn’t a better way. One man in his 40s was arraigned for assaulting his elderly mother. To his surprise, the mother asked to speak.

“She said, ‘Please don’t put my son in jail. He would never hurt me, but he’s schizophrenic and stopped taking his medication.’”

The son pushed her and she fell, the mother told the judge.

Another man was arrested for directing traffic in downtown Nashua screaming he was king of the world. The third man had been arrested for the fifth time for showing up on a stranger’s porch in the middle of the night under the mistaken belief that he lived there.

“It just started. I didn’t know there was such a thing as a Mental Health Court, and we discussed what we could do,” Leary said.

According to Katie Ellsworth, Brennan’s counterpart in Manchester, there are 66 active participants.

“I’ve seen some amazing transitions for people,” Ellsworth said.

State Rep. Neal Kurk, R-Henniker, who serves on the Hillsborough County Executive Committee, said he supports Mental Health Court as long as it doesn’t cost the taxpayers any more money.

As far as potential savings, Kurk said, he hasn’t seen enough evidence that there will in fact be savings.

“There may be a subset of people for whom the criminal justice system may be inappropriate,” Kurk said.

Brennan said he went to school with Philbrook and described him as an outstanding client.

“He’s done extremely well, followed all the directions,” Brennan said.

Philbrook is quick to praise Brennan, the program and Judge Leary.

“I think Judge Leary’s helping a lot of people.”

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