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Mental health court gives public defenders a tool for treatment

Table Status-15: Prevalence of disabling conditions in the population experiencing homelessness in Butte County, 2017

Disability	Percentage Countywide
Mental Health Condition	30%
Physical Condition	29%
Post-Traumatic Stress Disorder	24%
Drug Use	24%
Alcohol Use	17%
Developmental Disability	9%
Traumatic Brain Injury	7%
HIV / AIDS	1%

Source: Butte County Homeless Point-in-Time Census and Survey. January 2017

In the 2019-2022 Community Health Assessment from Butte County Public Health, in 2017 a physical disability was reported by 29.0% of the survey respondents, and 17.0% reported a chronic health condition. Mental illness was reported by 30% of respondents, while 9.0% said they had a developmental disability, according to the Butte County Homeless Point-in-Time Census and Survey. (Butte County Public Health — Contributed)

By **NATALIE HANSON** | nhanson@chicoer.com | Chico Enterprise-Record
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CHICO — Public defenders in Butte County stepped forward to support a mental health diversion court system in Butte County, to address major concerns about homelessness and mental illness from the criminal justice side.

With homelessness and concerns about drug use and crime often overlapping in the county’s public discourse, executive director of Butte County’s public defense attorneys Phillip Heithecker said he and over 30 local attorneys [signed a letter to this newspaper](#) to publicly demonstrate support for the new mental health court. The letter effort was spearheaded by attorneys Desiree Vance, Janae Sorenson and Elizabeth Latimer.

The county went many years without a system to divert those entering the criminal justice system who suffer from mental illness, until [Senate Bill 215](#) passed in 2018 adding California Penal Code 1001.36 to the state’s law. The code allows some people with mental disorders to receive treatment when charged with a crime, a program known as voluntary “mental health diversion” in California.

The letter advocated for mental health court as a partial solution to connections between homelessness, mental illness and crime. In the new system, those eligible for admission engage in “rigorous, closely monitored” mental health treatment for two years and are reviewed regularly by a local judge with a public defender and prosecutor to monitor their progress.

The current model went into effect in Butte County in 2019 and Butte County Behavioral Health agreed to participate in the program’s review process using part of its budget and Assembly Bill 109 state probation funding. Behavioral Health Program Manager Cathleen Ouimet said one case manager and one clinician are currently assigned and there is some limited funding for clients in the program who need a place to live.

The letter to the public “represents the acknowledgement by the legal establishment that mental health plays a role when people get involved in the criminal justice system,” Latimer said.

“People who commit crimes while in the throes of a mental break are not necessarily what we think of as criminals societally,” she added. “It’s been a long time coming where a lot of mentally ill people are incarcerated. Mental health has largely been ignored in the criminal justice system.”

Sorenson said the program is a way to tackle “the root problem” by offering people

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“There really hasn’t been (a path) in the past,” she said. “The main solution has been incarceration and probation. It’s simply not effective when dealing with someone with an unmanaged mental health crisis.”

Along with demanding accountability, “very, very good results” have already been seen from the program, Vance said. While she thinks the court’s approach could be broadened, she said the voluntary program did not come with any funding and the court is working because the county “made it work.”

“It is not costing tax payers any extra dollars,” she added.

The letter does reflect an ongoing perception of homelessness as connected to mental illness (according to the 2019-2022 Community Health Assessments by Butte County Public Health, in 2017 30% of people who were unsheltered in the county suffered from a mental illness) and crime, and described the court as not being an “easy out,” requiring clients’ accountability and meeting demanding requirements while in the program.

“Our community is at a quagmire about what to do with the homeless problem,” Heithecker said. “We just want the community to know we have a solution we have identified that is working in our community, when there is a nexus between crime and the mental illness. We are trying to address what we can through the judicial system.”

Heithecker said while local frustration with homelessness and ideas about associated crime have grown more heated, the traditional model for criminal justice, “taking them off the streets and throwing them into jail,” does not work.

“They come out of jail worse off than before they went in,” he said.

“Treatment works,” Steven Trenholme, who has worked in drug court for over 20 years, said. He said most of his clients with mental illness also come from abusive homes and are often homeless, struggling with drug addiction or both.

“People who use opiates use (them) to kill emotional pain,” he said. “Life hurts. And what we try and do in the treatment courts is teach people how to live life.”

While he said traditional drug court is highly supervised to get people the help they need, many don’t get resources they still need once they leave it. Treatment in mental health courts costs less than imprisonment and can better address clients’ needs, Trenholme said.

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“If people are being held accountable and getting help, hopefully they will be in a better place than they were,” Heithecker added, emphasizing the court is “not a free ride.”

Yet other defenders emphasized the court system cannot stand in for other county resources to aid those who are mentally ill, homeless or both who are not in the corrections system.

Attorney Braddon Hatch said the mental health court needs to be part of a bigger approach to handling homelessness and the many reasons why those with mental illness can become homeless.

“I think we hid the mental health problem in the department of corrections for years,” he said. “They sent people to prison and let the prisons deal with them or not deal with them.” Now, the diversion program has resources to treat those who enter the system with an illness.

Hatch agreed the displacement of people in the Camp Fire (and more recently due to the North Complex fires as well) contributed to widespread homelessness as well as a high number of people “marginalized with mental health problems not getting treated or diagnosed.”

Public defender Brandon Williams agreed the mental health court and criminal justice cannot be considered the only tools for addressing homelessness.

“It’s going to take more as a community to get these people the help they need, not just use the criminal justice system as a way to help people,” Williams said. “And only certain offenses will get people into diversion courts.”

More county resources are needed to fully address all sides of the issue, he said.

And COVID-19 remains an obstacle for getting people court ordered treatment, even if the courts “have been fairly understanding during the pandemic that if court ordered services are not operating that’s not the person’s fault for non-attendance,” Sorenson said.

Due to rural issues with broadband connectivity along with access to devices for those who are homeless, it will continue to be difficult to keep clients in online treatment. And funding to broaden the court’s reach could take time, Vance added.

“It’s a step in the right direction, not the only solution,” Latimer said.

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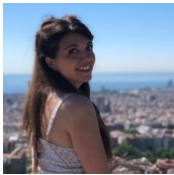
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