

Always Guilty as Charged: A Critique of Mental Health Court in Louisville KY
by Vernon Lynn Stephens, MSSW, formerly ACSW, presently impaired professional
© July 24, 2012

In a document published recently by the federal government, [“A Guide to Collecting Mental Health Court Outcome Data.”](#) by [Henry J. Steadman](#), a veteran of numerous scholarly works on forensic psychiatry, there is a passage on “page k” which states,

“Collecting Qualitative Data

In addition to collecting quantitative data, developing one or two case studies of mental health court participants can add depth and dimension to what is known about the impact of the court and how it has helped to improve participants’ lives. Case studies should be constructed in the early stages of program operation to ensure that the court is ready to respond to any high-profile relapses or program failures that may be publicized by the media.

A survey of court officials (prosecutors, defense attorneys, judges) and other criminal justice and mental health staff who are involved in the court can distill their perceptions of the program to be used in proposals to sustain funding. In some jurisdictions, positive responses to these kinds of surveys have helped to convince policymakers of the value of a program even before empirical evidence was collected.”

Notice that the sources of input for qualitative data are in this recommendation restricted to but “prosecutors, defense attorneys, judges.” I would propose that here there is also room for a case study from a mental health consumer-- who is on the receiving-end of mental health court services. This is my self-report on how it feels to go into mental health court, from the standpoint of a “sometime consumer.”

I have been in mental health court several times in the course of the ‘case career’ I have taken since my first psychosis in 1977, essentially in the course of involuntary hospitalizations in Louisville KY after my entering the rolls of SSDI. The advent of my first experience in mental court came in the early 1990s, when there was an (erroneous) question of my wishing to harm or harass my ex-wife, based on the coincidence that the police found me yapping with dogs in a kennel not too far from my ex-wife’s house. I remember that in the course of hospitalization at Central State Hospital [CSH] to which I was referred for this offense, a lady (Barbara Lanham) who never told me her connection to the hospital but who turned out to be a psychologist came back into my room and announced that my wife had heard of this incarceration (through a breach of confidentiality?) and was prepared to obtain a restraining order against me. I truly meant no harm to my ex-wife, but realized that as she had worked years in criminal justice, and knew both lawyers and judges, and “had money” could indeed get such an order against me. And I said so. In short order, Ms. Lanham

revisited me in my room and said that I was being referred to Mental Health Court, where I would be expected to make an “agreed decision.” I was “stumped.” I like my wife had worked in criminal justice and mental health, but had never heard of something called an “agreed decision.” When I asked Ms. Lanham what an “agreed decision” is, she walked away. The first court proceeding was a “slam dunk for the prosecution.” My defense that I in no wise wished to follow or harm my ex-wife was simply diverted. There were perhaps ten people in the CSH-courtroom, and I knew my public defender (Donnie Meyer.) Nevertheless I was assigned to have an “agreed decision” still without knowing how a decision I would make could be anything but “agreed.”

My later exposures to Mental Health Court were all at (then Humana-) University Hospital [UH] Psychiatric Ward. I think there were two or three such appearances, all status-post ecstatic experiences which did not “feel bad” until the police came with handcuffs and painful jamming into the back seat of squad car to go to UH. In the first hospitalization, I was living in an apartment in the East End of the county in which Louisville is situated, and as I recall it had a difference of opinion with a store clerk, who called ‘911’-- and known to police as mentally ill was taken to UH. I was again after several days in the hospital taken into a roomful of suit-dressed strangers, and with the same kind of unexplained mumbling that occurred in CSH, was again sentenced to another “agreed decision”-- and left the hospital utterly without knowing what an agreed decision could be other than something like a decision to agree-with-myself.

In the next-to-last appearance I made before Mental Health Court, I was more than a little irked for having been assaulted by the property manager (Kenny Johnson) of my rooming house on Market Street. This rooming house appeared on first sight and ever thereafter to be a den of all kinds of vice, with the sign on the door proclaiming with misspelling “This is a drug and alcohol free fascility” but really I witnessed all kind of “white powder” abuse and alcoholism in the place, and was certainly wanting to inform the police about this real criminal behavior and misdemeanor. In what to me was a raw incident in which with police and fire-department officials present on or about July 20, 1998 this property manager knocked about 2:00 a.m. identifying himself as “Police.” When I opened the door it was Kenny, bearing what appeared certainly to be the wooden end of an Army cot, and he commenced to beat me, and to which I offered no defense. I tried to “go limp” during this beating, only uttering “Kenny, you are mindlessly beating me.” Kenny broke my hand during this beating, and after being stitched in Emergency Room and bandaged with gauze, I was sedated, sent to UH Psychiatric Ward. This also netted a Mental Court appearance, and to my consternation the social worker (whose name I think was “Carol”) insisted that I had been wild in the rooming house, and that I had broken my hand by beating against the wall. This was so FALSE that I got angry, and one lawyerly looking man said, “this proves probable cause.” From thence I was committed to CSH for the last time.

I got out in about one month from CSH, and Seven Counties Services [SCS] arranged for me to find a rooming house of a different sort, this on Third Street in what is called “Old Louisville.” The property manager of this new rooming house was

evidently a mental health consumer of some sort, known to the SCS Center then just down the street. When I happened to mention that earlier I had been in Mental Health Court and several times as lastly had received an “agreed decision” but did not know what that was, this manager told me that it meant that I agreed to take my medication. So finally I knew what this “agreed decision” term meant, not from any professional-helper or legal-type or judge in the system, but by an apparent mental health consumer.

The last appearance I made in Mental Court was also in UH, this being in 2011 just before “9/11.” I had gotten mad at my worker at SCS, and made no threats, nor was accused of making danger to others, but was incarcerated on the LIE that I had left the natural-gas spicket on without flame and another LIE that I had buckets of feces in my apartment. After some two weeks incarcerated in the forensic psychiatry ward of UH, I was for the last time taken to Mental Health Court, and again given an “agreed decision,” and this time knowing what was “agreed” told the judge and all participants that I had no intention of NOT taking my medication as this was my usual practice. To this there was no response.

I know something about judicial procedure. Judicial procedure in local Mental Health Court-- and perhaps more commonly-- has some glaring procedural deficiencies. To wit: 1. I cannot knowingly assent to a decision if I do not know the likes of which I am “to agree”; 2. Inadequate counsel never occurs, at least to me, an indigent person with a public defender who NEVER does anything to pursue “my side of the story”; 3. Mental Health Court in Louisville is always a GUILTY AS CHARGED venue-- which will believe lies in charges against a subject. Therefore, I am led to say that there is not much here in Metro Louisville to for Mental Health Court to credibly be called a justice-seeking organization. While I will not use the term “kangaroo” to describe this judicial body, it has never been my experience that this Court is really concerned with determining facts-of-case beyond false claims not infrequently uttered against the mentally ill, OR in giving notice, due process, or adequate reference to the numerous protections for the mentally ill in case law, statute, and in human rights accords.

This is sad. I need a mental court that will acknowledge me as a person for what I am, someone who strives hard for mental wellness (the buzz word now is too optimistically called “recovery”) but who sometimes makes mistakes. I need such a court which has a real “human rights” mandate to assume a role of destigmatization in community, not a “rubber stamp” that rumors, innuendo, and falsehoods which vex people like me, a “court of public opinion from which there is no appeal”-- a description completely fitting the function of Mental Health Court in this metropolis.