

BAKER ACT REFORM

Voices on Baker Act Reform

The Florida Sheriffs Association is leading the effort to reform the Baker Act (SB 700/HB 463) to keep those who are too ill to know they need help from getting trapped in the revolving door of short-term hospitalizations, incarcerations, victimization, and violence. Here is what some people have said about the current situation and the proposed legislation, including the editorial boards of some of Florida's biggest newspapers, others in law enforcement, family members and advocates, and professional organizations.

Editorial boards:

Miami Herald: "The well-targeted proposal focuses on a small group of the mentally ill ... who already are cycling in and out of the system, at great expense to state taxpayers, but getting little help. The proposal could break that ineffective cycle Lawmakers should update the Baker Act legislation in this coming session. It is a humane and sensible response that supports better protection of the public's safety." –Feb. 12, 2003

Orlando Sentinel: "The Florida Sheriff's Association proposes a modest reform aimed at the population that costs the criminal-justice system the most – those with serious mental illness who have been repeatedly arrested or subject to the Baker Act The sheriffs show political savvy in not seeking additional funding to implement the law in this financially austere year. They argue, convincingly, that the measure could end up saving money in the criminal justice system." –Jan. 19, 2003

"The proposed reforms could help prevent a small group of recidivists from exhausting resources and keeping law enforcement officers from patrol duties. Rather than require an infusion of funding for services, in many cases the Baker Act reforms would save money by avoiding hospitalizations, violence and arrests."
- Sarasota Herald Tribune, April 21, 2003

St. Petersburg Times: "[I]t makes sense to reform the law now. It would give judges one more option in dealing with repeat Baker Act cases, and if the process works, there will be even more motivation for lawmakers to expand mental health services" – Nov. 26, 2002

Tampa Tribune: "During the last session of Florida's Legislature, we cautioned that the proposed reforms could pose too great a burden on the judicial system and suggested setting up a pilot project to show whether the proposals would succeed. We have reconsidered. Statistics from other states with similar laws show that patients ordered into treatment programs have stayed on their medications and out of hospitals and jails. ... Moreover, the burden on New York judges and those in other states hasn't proven to be too much. ... The changes should not cost the state more money because the people who would otherwise have been in jail at state expense would be placed into treatment programs." – Dec. 28, 2003

Law enforcement

Sheriff Donald Eslinger: "There is a serious downside to not adopting the Baker Act reforms proposed by the Florida Sheriff's Association: continued arrests, homelessness, victimization, violence and suicide by people who, because of their mental illness, do not recognize their own need for treatment In 2000 an estimated 7,500 individuals were "Baker Acted" two or more times, accounting for about one-third of all adult cases. This is the same group that accounts for an ever-increasing workload for mental health professionals, law enforcement and both criminal and civil court judges now. The proposal is designed to ensure more effective treatment for this population." – *The Tampa Tribune*, Feb. 24, 2003

Florida Police Chiefs: "FPCA supports the Florida Sheriffs Association initiative to reform the Baker Act, providing ... for court ordered out-patient treatment." – Florida Police Chiefs' Resolution 2003

Florida Sheriff Robert Crowder: “We do not want to be forced to house mentally ill persons in our jail This (jailing of the mentally ill) is an archaic and sometimes barbaric practice when you consider what happens to them instead of getting proper treatment. Court-ordered outpatient treatment could help to deal with the problem that now exists” – *Stuart News*, April 27, 2003

Florida Sheriff Ken Jenne: “Here is a man [John Beraglia] who has been arrested more than 120 times for petty crimes, a man who was psychotic, a man whose acting out posed a clear threat to those around him. A mental institution would have been a far better place for John than a jail The truth is, the urban jails of America have become the asylums of [today], and they ought not to have these people in them.” – *Sun-Sentinel of Fort Lauderdale*, Oct. 28, 2001. Beraglia died in the Broward County jail.

Family members and advocates

Rhonda Atkins: “My 25-year-old daughter received a diagnosis of bipolar disorder, a severe mental illness, 10 years ago. For much of those 10 years she was not being treated, and her condition steadily deteriorated. But she refused treatment, as do many with severe mental illnesses, because she didn't believe she was ill. Not getting consistent treatment resulted in self-medicating, which led to greater deterioration and increased suffering. People like my daughter who are truly ill sometimes need humane intervention in the form of court-ordered treatment. Mental-health courts can do that when someone enters the criminal-justice system, but the civil system has yet to provide that option. By doing so, the Baker Act reforms proposed by the Florida Sheriffs Association could have made all the difference in my daughter's life and ours.” – *Sarasota Herald Tribune*, Nov. 3, 2003

“Florida law ignores excellent possibilities of effective treatment with new medicines and places the civil right to refuse treatment above the humanitarian right of the state to mandate psychiatric care.”

- Rachel Diaz, *Miami Herald*, Jan. 3, 2003

Linda Gregory: “My husband’s death changed my life forever. And unfortunately, this type of tragedy continues, and that breaks my heart. Baker Act reform is a public safety issue, but even more, it offers a humane way to provide treatment and support to people who have illnesses that impair their decision-making. We owe it to them to provide services that will enable them to have a quality of life that is their right as American citizens.” – *Tampa Tribune*, Jan. 5, 2004

Professional groups

Florida Council for Behavioral Healthcare: “The legislation proposed by the Sheriff’s Association goes far beyond helping protect law enforcement officers and reducing the high costs of treating people with mental illnesses in Florida’s county jails. It also offers a more humane and less coercive way to provide treatment and support services to people who have been severely disabled by a mental illness. At present, the system is often unable to help these people until after they have harmed themselves or others. This is a tragedy for the individuals involved, as well as for those harmed by behavior related to a mental illness. It is especially tragic when we know that provision of earlier treatment services can not only reduce an individual’s recovery period but also prevent future psychotic breaks.” – Letter of support, March 6, 2003

Florida Coalition for the Homeless: “[A]ssisted outpatient treatment for mentally ill homeless people would increase compliance with prescribed treatment and thus ensure greater success in securing and sustaining access to adequate housing as an alternative to jail and the streets therefore, be it resolved that the Florida Coalition for the Homeless seeks to improve the quality of life for the public and homeless persons with severe mental illnesses by supporting the Florida Sheriffs’ Association’s proposed Baker Act reform to include an earlier intervention standard and assisted outpatient treatment for Baker Act recidivists.” – Resolution of support, Dec. 4, 2002

For more on Baker Act reform, including the full text of supportive editorials, visit <http://www.bakeractreform.org>. (01/04)