

Statement by Sheriff Donald F. Eslinger

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FSA'S BAKER ACT REFORM SIGNED INTO LAW

Six years after losing a deputy and a man with untreated schizophrenia, Florida's sheriffs celebrate a better way to ensure mental health treatment

Orlando, FL – The passage of Baker Act reform is a new beginning for Florida. As we pause to commend Gov. Jeb Bush, Rep. David Simmons, Senator Durell Peaden, Senator Rod Smith, and the legislature for passing this law, the Florida Sheriffs Association knows that much hard work lies ahead to ensure that it is fully implemented and used to save lives across the state.

The reform, initiated by the Florida Sheriffs Association (FSA), will make Florida's mental health treatment law more useful and compassionate for those with severe mental illnesses who are too sick to make rational treatment decisions. By giving courts the option of involuntary outpatient placement, or court-ordered outpatient treatment, we will be able to ensure that those who are repeatedly Baker Acted for psychiatric evaluations, hospitalized, arrested, and incarcerated can stay in treatment and avoid that exasperating cycle. This legislation will no doubt enhance mental health intervention and treatment services that will ultimately result in improved public safety for our communities.

Baker Act reform became FSA's top legislative priority because of tragedies, both personal and professional. Six years ago the Seminole County Sheriff's Office lost one of our own – Deputy Eugene Gregory – in a standoff with a man with untreated schizophrenia. In the course of the 13-hour standoff, two other deputies were injured and Alan Singletary, the man with the untreated mental illness, was killed.

We were all in shock. Gene was a family man, with a wife and three sons, and an integral member of his community, with real compassion for the people he served. Amidst our grief, the same questions kept coming up: Why did this happen? What could we do to prevent it happening again?

Later, I would find out that Alan Singletary's family was asking the same questions. Despite the fact that Alan had a long history of mental illness and a prior standoff with police, Florida law kept him from the treatment he needed.

In the quest to discover a reason for such a senseless loss, it quickly became clear that the consequences of failing to treat people with severe mental illnesses stretched far beyond the personal for all of us charged with keeping Floridians safe.

- **Jails and prisons are our de facto psychiatric facilities.** According to a recent report by Human Rights Watch, there are three times as many men and women with mental illnesses in U.S.

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prisons as in state psychiatric hospitals. And a study by the U.S. Department of Justice put the number at 16 percent. In nearly every county in Florida, the county jail holds more individuals with serious psychiatric disorders than any psychiatric facility in that county. The cost of this widespread incarceration of people with mental illnesses is enormous. For example, it costs Broward County taxpayers \$78 per day to house a general population inmate, but it costs \$125 per day to house an inmate with a mental illness. And jail is not the right place to treat someone with a brain disease – people with mental illnesses who are incarcerated have high rates of victimization, assault, and suicide.

- **Officers and deputies spend a disproportionate amount of time responding to people who need mental health treatment.** In 2000, there were 34 percent more Baker Act cases (80,869) than DUI arrests (60,337). Florida law enforcement officers alone initiate nearly 100 Baker Act cases each day. That is comparable to the number of aggravated assault arrests for the state in 2000 (111 per day) and 40 percent more than the arrests for burglary (71 per day). It is frustrating when my deputies find people they have Baker Acted wandering the street again the very next day.
- **National statistics show that everyone is at risk when someone is in crisis for an untreated mental illness and law enforcement is compelled to be the first responder.** In 1998, law enforcement officers were more likely to be killed by a person with mental illness than by an assailant with a prior arrest for assaulting police or resisting arrest. Compared to the general population, people with mental illnesses killed law enforcement officers at a rate 5.5 times greater. And people with mental illnesses are killed by police at a rate nearly four times greater than the general public.

The deadly encounter between Deputy Gregory and Alan Singletary sparked a reform movement, but amending the Baker Act eventually became FSA's top legislative priority because of what we saw every day on the job. Law enforcement officers across Florida are called upon to initiate Baker Act emergency evaluations nearly 100 times each day – often for people who have been Baker Acted before, and will likely be Baker Acted again. There is no resolution to the ill person's pain and each call to their home increases the risk of a deadly encounter, as symptoms of their disease become more severe.

Law enforcement officers are not mental health professionals. Despite many important tools like crisis intervention training and the availability of less lethal weapons like Tasers, until today, Florida's mental health treatment law prohibited the most important tool – a way to keep crises from ever escalating to the point where intervention techniques needed to be used. If a person with untreated severe mental illness didn't qualify for one of the dwindling inpatient beds in a psychiatric facility, they were released. There was no way to ensure that after they were stabilized they would continue treatment in the community. And for far too many, that meant repeated trips in the back of squad cars, repeated 911 calls from families desperate for help, repeated episodes of homelessness, repeated suicide threats, and repeated encounters with law enforcement.

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Baker Act reform will give Florida access to an option already available in 41 other states. Involuntary outpatient placement, or court-ordered outpatient treatment, reduces the duration and incidences of hospitalization, homelessness, arrests, incarcerations, victimization, and violent episodes. After six months in a similar program in New York, 63 percent fewer people experienced psychiatric hospitalizations; 75 percent fewer were arrested; 69 percent fewer were incarcerated; and 55 percent fewer experienced homelessness. It also increased treatment compliance and promoted long-term voluntary compliance by people with mental illnesses. These outcomes reduce unnecessary contact between law enforcement and people with severe mental illnesses and improve the outcomes for people who need treatment.

July 8, 1998, was a terrible day in Seminole County. But it is just one of many terrible days across Florida before and since that can be traced to people not getting treatment. We are pleased that this important law will be implemented in January and look forward to the day when people with mental illnesses can be assisted instead of arrested.

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