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How does the court commit the mentally ill?

By Jean Cole

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— Limestone County Sheriff Mike Blakely has seen a lot of mentally ill people in more than 30 years in law enforcement. Over the years, law enforcement officers have had to fatally shoot a mentally ill armed resident who fired at officers and they have had to deal with a mentally ill person who committed suicide amid a standoff. They also frequently deal with suicidal people and those who are acting out and may need help.

With mass shootings still fresh in our minds and local schools improving campus security, one might wonder what can be done about people who are dangerously mentally ill.

In Limestone County, the probate judge determines whether a person who is mentally ill can be sent to a state hospital against his or her will. Involuntary committal, as it is called, occurs when a family member or someone else petitions the probate court to have someone sent to the state mental hospital — North Alabama Regional Hospital if they are under age 65 and Bryce Hospital if they are 65 and older — for a certain length of time. Once a mental evaluation is made and a person is committed, he or she cannot leave the facility until he or she is discharged.

Voluntary committal occurs when a person voluntarily agrees to seek treatment in a state mental hospital and can leave when he or she wishes.

More, but why?

Bobbi Bailey, clerk in the probate judge's office, said the number of petitions has increased in the past few years, and not necessarily because there are more mentally ill people. She said those who have been committed for mental treatment are being released sooner than they used to be — faster turnaround, she called it. As a result, a mentally ill person's loved one may be back more often to have the person committed again, if needed. Also, the abuse of drugs like methamphetamine, which can induce paranoia, has prompted parents and others to believe their loved ones are mentally ill rather than addicted to drugs, she said. The court does not involuntarily commit people who are addicted to drugs or alcohol; unless it can be determined they have a history of mental illness and are also a danger to themselves or others.

The numbers

The number of seriously mentally ill residents who were involuntarily committed to state hospitals has varied over the past decade, according to data from the probate judge's office.

Between 2004 and 2013, the years for which the number of both petitions and commitments are available, Limestone County probate judges received a total of 351 petitions to have someone involuntarily committed. After considering those petitions, probate judges committed a total of 210, court records show. Here is the yearly breakdown:

2004: 34 petitions; 22 committed;

2005: 33/24;

2006: 34/21;

2007: 30/21;

2008: 40/15;

2009: 33/17;

2010: 25/17;

2011: 45/25;

2012: 48/30;

2013: 29/18 (partial year totals).

Who can file a petition?

Anyone can file a petition in Limestone County to have someone involuntarily committed. However, the judge must find “clear, unequivocal and convincing evidence” of the following before granting such a request:

- The person is mentally ill; and
- The person, because of the mental illness, poses a real and present threat of substantial harm to himself or to others; and
- The person will continue to experience mental distress and deterioration of ability to function independently if not treated; and
- The person is unable to make a rational decision regarding treatment.

Blakely said he has seen committal evolve over the years.

“When I first became sheriff, if a petition was filed the person could be held in the county jail until they could be mentally evaluated,” he said. “That is not the ideal way.”

Bailey said this is probably a good change since people sometimes petition the court to commit a loved one who is actually addicted to drug or alcohol but not mentally ill. Also, she said, there have been cases where a petition was filed amid a domestic dispute when mental illness was not a factor.

According to Blakely, one of the best changes in helping law enforcement officers deal with people with mental illness came about when Mike Davis was probate judge. He said the court began using a mental health officer. The officer is trained to determine whether a person is exhibiting signs of mental illness and he is authorized to hold a person for 48 hours in some cases.

For example, at 1 a.m. on a Saturday night, when the probate office is closed, an officer might call the mental health officer to report a transient who stepped off an 18-wheeler from California exhibited signs of hysteria and paranoia and was taken to the hospital. Officers don't know if the transient is high on drugs or mentally ill. If the person does not test positive for drugs, the mental health officer can make a determination and place a 48-hour hold on the transient, which gives family or mental health officials time to act.