

Column: Supervisors rightly oppose CARE Court proposal

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The proposed CARE Court program is crazy enough to drive everyone Nuts, and the Del Norte County Board of Supervisors deserves recognition for courageously opposing Senate Bill 1338 that would create it.

CARE Court is intended to help those “who cannot function well in society due to mental illness, but who are not gravely disabled.” In reality, it will instantly become another monstrous program that will feed on an ever-growing landscape of government control and overreach.

At its June 14 meeting, the Board voted 4-0 to send a letter to SB 1338 sponsors Senator Tom Umberg and Senator Susan Talamantes Eggman to voice the Board’s concerns about the impact the CARE Court proposal would have on Del Norte’s mental health system, criminal justice system, and general fund.

The CARE (Community Assistance, Recovery and Empowerment) Court resembles other collaborative court programs established in California and throughout the United States in recent years where the goal was to restore troubled individuals to a point where they can successfully participate in society, rather than to punish them for their criminal behavior.

This concept worked well with identifiable groups of individuals, such as drug addicts, Veterans and homeless criminal defendants. The CARE Court would proceed as a civil conservatorship court, not a

criminal court.

For about five years in the early 2000s I was the Public Defender representative on the Drug Court and Mental Health Court teams in Riverside County. Drug Court was a very successful program; many lives were restored, and the harm from an addictive lifestyle was greatly reduced.

The reward for successful completion of the 18- to 24-month Drug Court program was often a complete cleansing of one's criminal record. The consequences for failure: an immediate imposition of a predetermined prison sentence, back in the day when a prison sentence actually meant something.

The Mental Health Court, not so much. As in the Eagles' hit song, Hotel California, "You can check out any time you like, but you can never leave." There was always some exasperated parent who would no longer provide care, nor desired further contact with the adult child "patient," and a county psychiatrist ready to testify that this involuntarily committed prisoner was refusing to take her body- and mind-altering court-ordered medications. As defense counsel, there was not a damned thing I could do.

One big difference between the Drug Court concept and the CARE Court proposal is that the individual need not have been guilty of, or even charged with, a criminal violation to be trapped in CARE Court. Someone could be summoned into court and compelled to enroll, participate and complete various programs even though they did not commit a crime, and do not represent a threat of harm to themselves or others. Failure could result in further loss of liberties.

The Board of Supervisor opposition to SB 1338 and CARE Court is based less on the humanitarian objections, and more on the fiscal impact the program will have on County agencies that are already stretched thin, overworked, understaffed, and unable to recruit and retain professionals to fill key vacancies.

Too bad, says the proposed legislation. Counties that fail to muster the funds necessary to create and operate a CARE Court program according to Sacramento's dictates can face financial penalties and a state takeover of the program. As the Board letter states; "The punishment for not having sufficient resources is thus to lose more resources."

The Board's comment is revealing: The Legislature is willing to penalize poor small rural counties because they don't have the money to support new costly unfunded state-mandated programs that would better suit big counties like Sacramento, San Francisco, Los Angeles and San Diego.

I tried to condense the Board of Supervisors' letter into a manageable size, but concluded that it speaks well just the way it is. I did, however, break up the many extremely long paragraphs that only a lawyer could write.

Triplicate readers deserve to know the whole unvarnished truth. And the Board of Supervisors deserve recognition for presenting it, even if such criticism is unfashionable in this spend-spend-spend era of California politics.

When the money stops, who will be holding the bag? Certainly not the politicians who have been termed out, or have moved on to other public offices or private consultancies.

Supervisor Chris Howard deserves his own pat on the back for bringing the concerns among his rural northern California county colleagues to our local attention.

Please take the time to read the Board of Supervisor's letter. You will learn much about the challenges facing our local government as it endeavors to meet the needs of our community, and why it cannot do what everyone hopes and expects it to do.

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