

BY AMANDA WALDROUPE
STAFF WRITER

In 1993, Aaron Wynn suffered a psychotic episode while he was in a grocery store in Broward County, Florida. It was a residual effect from the traumatic head trauma he suffered when a car hit his motorcycle in 1985. In the throes of the episode, Wynn rushed out of the store and collided with an 85-year-old woman. She fell onto a concrete curb and died from her injuries a day later.

He was convicted of first-degree murder. He was 25 years old.

Wynn's case showed in stark terms that people with mental illnesses were committing crimes due to the lack of treatment, ultimately being criminalized and imprisoned.

He became the impetus for creating a new kind of court, one that didn't penalize people with mental health issues.

Four years later, in 1997, Broward County opened the country's first mental health court on the recommendation of a task force that studied the intersection of the county's criminal justice and mental health systems. At the time it was considered revolutionary.

The person tapped to lead this new court was Judge Ginger Lerner-Wren, who had specialized in advocating for people with serious mental illness against the backdrop of institutionalization.

"I just happened to come to the judiciary with a unique skill set that most judges or lawyers did not have," she said.

Two decades later, specialized courts, such as mental health or drug courts, have become commonplace in many parts of the country, including Multnomah County. Such courts work with people who suffer from serious mental illnesses or drug addictions and have committed low-level misdemeanors and divert them out of the criminal justice system and into treatment.

The intention is to reduce the number of people in jails, help low-level offenders access the proper medical treatment they need and, hopefully, prevent future crimes from occurring. Many have social workers, nurses and other medical staff embedded within the court to begin working directly with offenders as soon as they enter the court system.

Lerner-Wren has presided over the Broward County Mental Health Court since its creation. She thinks of the mental health

court as "not a trial court" but as a "problem-solving treatment court." It is a subdivision of the criminal division and works with people charged with misdemeanors (with the exception of driving under the influence or domestic violence charges). The court is voluntary; anyone – a family member, attorney or case manager – can refer someone into it. A clinician is embedded in the court.

Through her work, Lerner-Wren has learned that "recovery is real," that many people who receive proper treatment will likely never enter the criminal justice system again. The court became the model for the Mentally Ill Offender Treatment and Crime Reduction Act, signed into law in 2000 by President Bill Clinton.

A memoir detailing her work on the court, "Court of Refuge: Stories from the Bench of America's First Mental Health Court," was published last year, and she is this year's keynote speaker at the Oregon Law and Mental Health Conference, which

takes place Saturday, March 2, in Portland.

Amanda Waldroupe: *What was your reaction when you were given the assignment to become the first judge of the county's mental health court?*

Ginger Lerner-Wren: I just couldn't believe it. I remember the chief judge calling me and simply congratulating me on becoming the new mental health court judge, and then asking me how long did I think I needed to get started. I remember thinking to myself, you know, this is a pretty conservative judge. I really didn't want him to change his mind. I responded to him, if I could have 10 days.

I felt that there was sense of urgency because of what our community was experiencing at the time. Florida, even to this day, depending on the data you look at, is 49th or 50th in funding for mental health in the United States. We are literally at the bottom rung in terms of the mental health

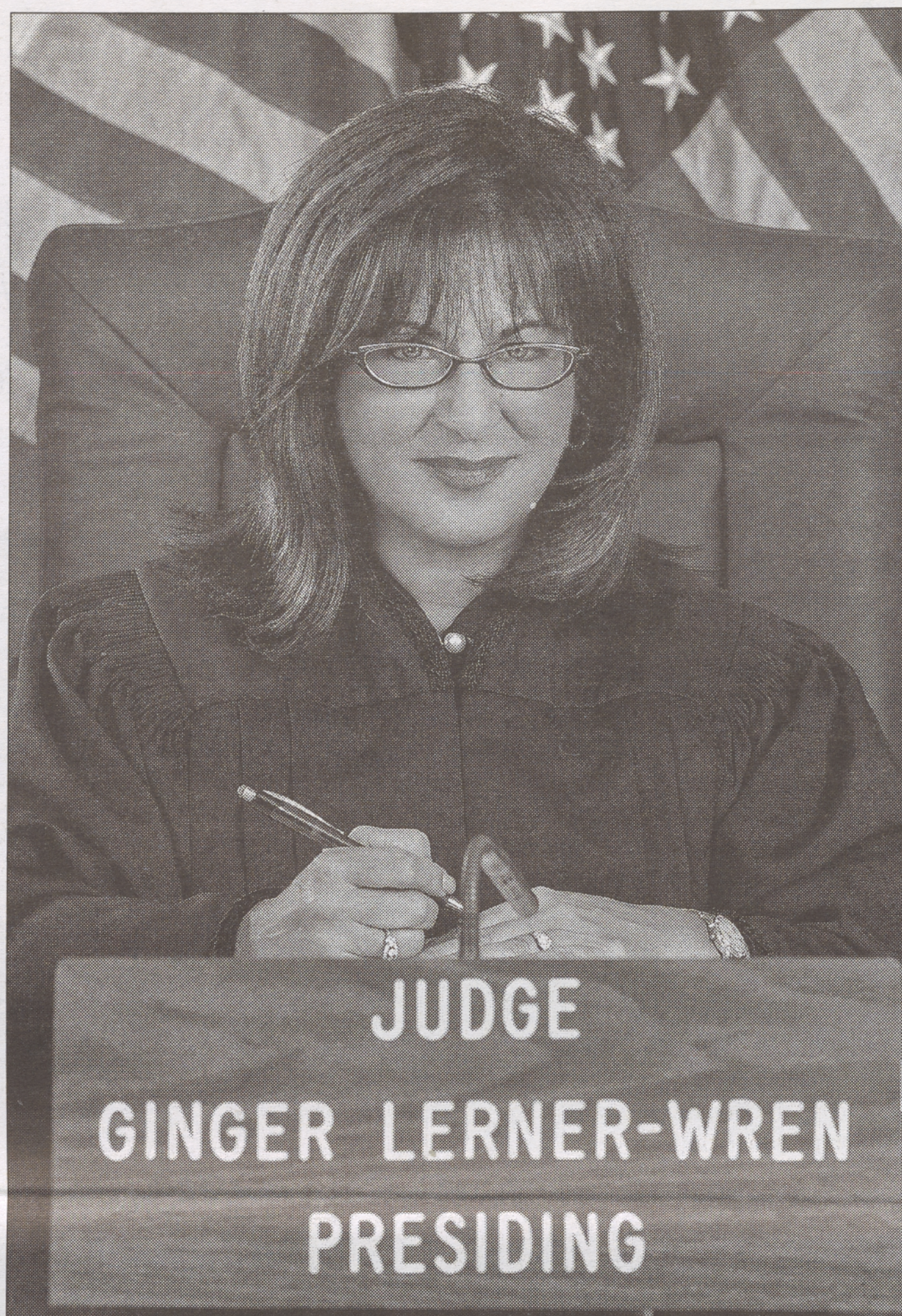


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Sound judgment

As the judge in the nation's first mental health court, Ginger Lerner-Wren talks about a restorative justice system that doesn't criminalize mental illness

"It was established as a human rights strategy in order to respond to the problem that we knew existed: the criminalization of people with mental illnesses. They were being arrested largely because they were not able to access community-based services."

funding. Our system was really deplorable.

A.W.: *Originally, the mental health court met during the lunch hour. Tell me what those early days were like.*

G.L.W.: We held court three days a week. The early days were just extraordinary. We never really thought for a second that perhaps what we were doing had not been done before. Nor did we know for certain that it would be effective. All these systems were so siloed. The mental health system was completely independent from the criminal justice system. The work to really integrate these systems and somehow get all these different agencies, organizations within the sheriff's office, organizations within the community, to realign their service models in order to establish a diversionary system that would move people out of a jail system into a local hospital ... was, really, I thought, almost miraculous.

I viewed the court in one sense as a court of conscience. We were not going to blindly jail people with serious mental health illnesses and other types of cognitive disorders. We just never thought we had crossed some kind of tipping point.

A.W.: *Tell me more about what you were doing and how you were doing it – how mental health courts work very closely with the hospital system, with the mental health system to get people the care they need.*

G.L.W.: It was established as a human rights strategy in order to respond to the problem that we knew existed: the criminalization of people with mental illnesses. They were being arrested largely because they were not able to access community-based services. This court was established to intercept individuals who really needed mental health care but ended up in the wrong systems of care as swiftly as we could. In that regard, every design feature of the court is really guided by certain values that the court holds. Dignity is a paramount, public safety is a paramount. It's voluntary, and applies the law-reform science of therapeutic justice, which provides for a court process that is really intending to be restorative.

A.W.: *We often think of the justice system as black and white – that someone is guilty or not*

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