LOCAL / HEATHER KNIGHT

# San Francisco's mental health care system fails two men: one killed, the other his alleged killer

Heather Knight
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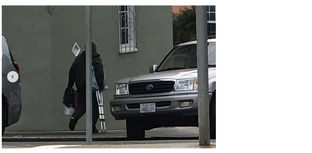

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Peter Rocha, homeless since 2004, walks in Glen Park on Christmas Day in 2019, photographed by Shawn Zovod, a neighborhood resident who says Rocha had threatened her.
Shawn Zovod/SWI

A year ago, two men met by chance in San Francisco's quiet Glen Park neighborhood — an encounter that within minutes destroyed both of their lives.

It's been a year of anguish for countless relatives and community members. And for San Francisco, a year of failing to learn the lessons of that Memorial Day morning.

At about 8:20 a.m., 94-year-old Leo Hainzl, took what would be his last walk with his dog, Rip, to Glen Canyon. He crossed paths with a man who'd slept on the streets of the neighborhood for years and had often menaced passersby through a fog of mental illness. Police said Peter Rocha, now 54, attacked Hainzl with a stick, causing him to fall, hit his head and die within hours at a hospital.

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A year later, Rocha apparently remains in that fog.

He languishes today in a County Jail cell, trapped in an all-too-common purgatory. A judge said he's too mentally ill to stand trial, ordering him in December to a locked state psychiatric hospital for compelled treatment that could make him well enough to face a judge and jury.

But California's psychiatric hospitals have no available beds. And so Rocha waits behind bars, where medication is optional. Incredibly, he's on a waiting list of 1,523 people — all of them incarcerated and in the same situation.

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Then there's this: If a state hospital eventually restores Rocha's competency, he will be sent back to County Jail, where he's free to refuse treatment.

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The harm compounds, and no one benefits. The longer the wait drags on, the weaker the case against Rocha may get. Witnesses' memories fade or they move or die. Reaching a resolution in the case becomes less possible with each passing month, and hope for Rocha's recovery fades, too.

"We as a family are infuriated," said Ramiro Rocha, Peter's younger brother by two years. He and their mother live out of state and haven't received a phone call from Peter in months.

"He's in a psychotic state right now," Ramiro Rocha continued. "He needs medication. I'm certain he's not taking it. If he was in a mental health facility, they'd make sure he gets the proper medication that he deserves."

Leo Hainzl deserved so much better. So did Peter Rocha. Their encounter in Glen Canyon was a tragedy officials should have seen coming — and should have tried far harder to prevent.

Rocha became homeless in 2004 and slept for years in Glen Park, often in a planter box outside St. John Catholic School on Chenery Street. He carried crutches slung over his shoulder that he waved at strangers.

When Rocha threatened his neighbors, police would respond. They'd offer help. He'd decline. And they'd leave. Again and again and again.

That is, until May 28, 2020, when police booked him into jail and city prosecutors soon charged him with murder, assault with a deadly weapon and elder abuse. And there he's sat ever since, a symbol of our supposedly progressive city and state and their profound failures to address twin homelessness and mental health crises.

Rocha's plunge into despair in Glen Park behind a happy childhood in the Outer Mission, his brother said. Their mother was a nurse, their father a graphic artist whose jelly-bean mosaics of celebrities such as Elvis and Queen Elizabeth were so good that the Jelly Belly factory in Fairfield displayed them and sent him on trips around the world to promote them.

The Rochas divorced when Peter was in his early teens, and his father died of Lou Gehrig's disease in 2012.

Peter was "your all-American kid," his brother said, popular with girls and a good student. He served in the Marine Corps for four years after graduating from Jefferson High in Daly City. After his military service, he took up jujitsu and opened a studio in Berkeley.

His brother and mother moved to Phoenix in 1994, keeping in touch with Rocha mostly via phone calls, even as some of them became strange and alarming. Rocha would ask his brother whether certain events had really happened and seemed to question his own memory and perception.

"He said, 'I'm trying to figure this out. I think I'm losing my f—ing mind,'" his brother recalled. "He knew things were slipping, and he didn't know what to do about it."

Rocha bounced between apartments. He told his family he'd repeatedly sought help for his mental illness, including at a veterans hospital, only to run into roadblocks. His brother isn't sure whether he was ever officially diagnosed or prescribed medication.

Before the Glen Canyon encounter, Rocha had no criminal record.

Eventually, he became homeless. He no longer had a phone. His brother and mother would go years without hearing from him. They felt helpless. Under the state's strict privacy laws, they had no right to see his medical records or find out if he was receiving care. Ramiro Rocha said his mother would tell him to go to San Francisco and save his brother.

"She'd encourage me to go, saying, 'You've got to go find him,'" he said. "Hypothetically, what if I found him? Now what do I do with him? Do I handcuff him? No, I could be arrested.

"I'm not a professional," he continued. "There's nothing I can do."

So they stayed in touch via phone as much as they could. And continued to listen to Peter describe the visions in his fraying mind. Including that "nasty, nasty large dogs" in the neighborhood were out to attack him.

If Peter Rocha was a fixture of Glen Park, Leo Hainzl was, too. He'd lived in the same brown house on Sussex Street since 1967, growing tomatoes under his front steps and owning a succession of dogs that he walked for at least 6 miles every day, often in the campus.

Hainzl was born in Austria. During World War II, he became a "displaced person," sent to a resettlement camp in Germany, according to the Glen Park Association. In 1950, he moved to Melbourne, Australia, to work as a farmer before immigrating to San Francisco seven years later. He had two brief marriages, and neighbors don't think he had any children.

He worked as a welder and ran a construction company before retiring, still keeping a garage full of tools. He was youthful and gregarious even in his 90s, often spotted hanging off ladders or climbing on his roof, fixing his home.

Neighbor Simon Rowe said Hainzl was always in top form when Rowe's 80-year-old mother came to visit, lighting up when she'd walk by.

"He hadn't lost his spark for lively conversation," Rowe laughed. "He always had a twinkle in his eye. We should all be so lucky to be so engaged and vital at that ripe old age."

Hainzl read every word of the Economist each week, underlining the parts that interested him as he sat on his front porch with his dog. He built a metal holder next to his reading spot for his beloved cans of Red Bull.

"At the end of his life, I swear he only drank Red Bull and ate only steak," said his next-door neighbor, Caitlin Steele, whose family bought Hainzl's house and is remodeling it.

They plan to move in this summer. Rip was taken in by another family with kids.

A large memorial service for Hainzl wasn't possible, a result of the damning pandemic, but about a dozen neighbors gathered in front of his house a few weeks after his death to share stories.

Hainzl's killing also prompted neighborhood conversations about why police and other city officials did so little to address their repeated reports about Rocha.

Shawn Zovod called 911 five months before Rocha allegedly killed Hainzl. She, too, was walking in the canyon when Rocha approached, complaining about dogs like the one she was walking.

She said Rocha told her she needed a beating and said, "I should be the one to do it." By the time police arrived, Rocha had wandered off. Officers told her they knew Rocha and that he had declined offers of services.

Zovod said Rocha threatened other neighbors with dogs, including an 89-year-old woman. She alerted Supervisor Rafael Mandelman, who asked Rocha to his list of the people in District Eight who most need mental health care. The aim of the list is to prevent a tragedy, such as that, but it doesn't seem to be working.

A year ago, 22 people were on the list. Now, there are 26. Few seem to get off the list, unless they die.

A central problem is that the city and state don't have enough early intervention programs and treatment available for mentally ill people who know they need help. Authorities are also reluctant to compel people like Rocha into treatment, even if they deteriorate so much that they no longer realize they're sick.

Under the state's legal standard, people can be held involuntarily for treatment if they are deemed a danger to themselves or others or are gravely disabled. The argument against compelling treatment is protecting people's civil liberties, but to some of Rocha's neighbors, leaving him to sleep in a planter box and threaten neighbors over apparent hallucinations seemed cruel and risky.

Often, only a tragedy can move the government to compel people with profound mental illness into sustained treatment that may remove the fog. But even in these extreme cases, we lack the hospital beds.

"It's the most dystopian version of progressive politics," Mandelman said. "We're all about civil liberties, but we don't make the investments in basic services for sick people. We have this entirely negative version of liberty, about being free from things. But your freedom to live a decent life with dignity? We apparently don't care about that at all."

When a private mental health hospital with 117 acute psychiatric beds opens in Sacramento next month, it will be the first new psychiatric hospital in the state in 30 years, said Sherez Lowe, vice president of behavioral health for the California Hospital Association. Twenty-five counties have no inpatient psychiatric services at all, she said.

This all stems from California's decision decades ago to close many psychiatric hospitals that were viewed as inhumane and move care into the community. But the state failed on that second promise.

"If we as a state put more of our time and energy and resources into prevention and early intervention, we may not have this backlog of people who are being criminalized because they're sick," Lowe said. "We don't criminalize anybody because they have diabetes or congestive heart failure, but we seem to want to do it for people who have a brain illness."

Alex Burnard, an assistant professor of sociology at New York University, has studied California's laws and describes them as "abandoning people into autonomy."

"The reality of the state of California right now," he said, "is there are a lot of people who have been so repeatedly failed by the social service system and the mental health system that they do need a higher level of care that isn't available to them."

When COVID-19 struck, San Francisco Mayor London Breed immediately asked the state and federal governments for 5,000 more hospital beds. The

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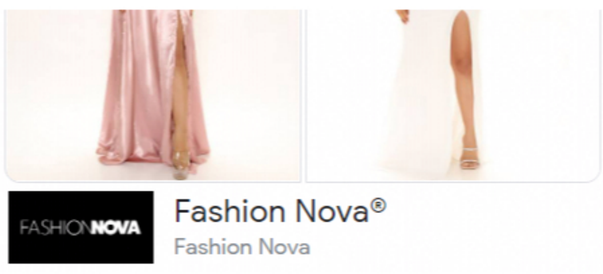
mental health emergency requires some of this same urgency.

It also demands that the city add more street crisis teams to help people like Rocha instead of relying on police, who are ill-equipped to handle such cases. And we need more places for the teams to take people — like a round-the-clock crisis facility in Tucson staffed by medical professionals offering a range of services from a living-room-style hangout area to inpatient treatment beds.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"Arizona doesn't have the same sort of focus on dangerousness in their treatment standard. They've made it much more medically based," said John Snook, executive director of the Treatment Advocacy Center, a national organization pushing for better mental health care. "There isn't that artificial barrier of, 'Oh, there's nothing we can do until that person's dangerous,' which has been used as an excuse for avoiding care in California."

It's important to note that the vast majority of mentally ill people will never be violent. But in some cases, compelling treatment can keep people from deteriorating to the point they are dangerous to themselves or others. That's surely a more compassionate answer than waiting for a crime and then jailing them indefinitely with no care.

"If you're talking about someone whose psychosis was so severe that they acted out in such a violent way and then they're sitting in a jail cell possibly without treatment, it's hard to imagine a more awful scenario," Snook said.

"It's a nightmare."

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So how will this nightmare end?

A spokesperson for the state's psychiatric hospitals declined to say how long people declared incompetent to stand trial are typically on the waiting list for care. But Rocha's attorney in the city Public Defender's Office, Will Helvestine, said the state's current estimate for Rocha receiving a hospital bed is August.

That's six months after a deadline set by a San Francisco judge.

"We've lost months and months of potentially valuable treatment time, and we're no closer than we were last summer to getting Peter the treatment he needs," Helvestine said.

The lawyer said he's grateful to Glen Park neighbors who've reached out to ask about Rocha's well-being. "The community seems to understand," he said, "that while Mr. Hainzl's death was undoubtedly a tragedy, the inability or unwillingness of the state to properly treat Peter is a tragedy in its own right."

Ramiro Rocha said he was shocked to learn so many people like his brother are waiting for a hospital bed. He believes both Hainzl and his brother are victims of a broken system.

"This was 100% preventable," he said. "I don't know what it's going to take for citizens to stand up and say, 'Enough is enough.' These people need help."

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Heather Knight is a columnist working out of City Hall and covering everything from politics to homelessness to family flight and the quirks of living in one of the most fascinating cities in the world. She believes in holding politicians accountable for their decisions or, often, lack thereof - and telling the stories of real people and their struggles.

She co-hosts the Chronicle's TotalSF podcast and co-founded its #TotalSF program to celebrate the wonder and whimsy of San Francisco.