MENTAL ILLNESS
ARREST – WHAT DO I DO?

I Have Been Arrested, and I Have a Mental Illness - What Do I Do?

Information for Mentally Ill Consumers in Fresno County, California
MENTAL ILLNESS ARREST – WHAT DO I DO?

I Have Been Arrested, and I Have a Mental Illness - What Do I Do?

A step-by-step guide to help mental health consumers cope with the criminal justice system in Fresno County when they have been arrested.

STEP ONE: DON’T GO THERE!

- **It’s Not a Good Place to be:** Being arrested and put in jail is never a good situation to be in. This is especially true of the mental health consumer. While a minimum level of mental health treatment may be provided for you while in jail, it is not a mental health hospital. The treatment you receive will only be per the minimum the legislature and the courts have established so that your time in jail will be just enough so as to not constitute “cruel and unusual” punishment.

- **It’s Much Better to Take Action to Stay out of Jail than to Cope with Being There:** There are positive steps that a person can take to avoid being arrested and sent to jail. If you are a mental health consumer, stick with your treatment plan – take your meds, and keep your appointments with your psychiatrist, therapist or case worker. Be sure to be honest and truthful with these mental health professionals about your condition so that they will be fully aware of your condition. If you find yourself unable to “tell everything”, take a family member or friend, who knows what is really going on, along with you on your appointments, so that they can tell the mental health professional what is really going on. Join and participate regularly in a support group that can help you live, or maintain, a life of wellness and recovery. Learn more about your condition and how to live with it by taking a class on such subjects as: Wellness Recovery Action Plan (WRAP), or Relapse Prevention. Learn to recognize changes in yourself that indicate your condition is getting worse and that you need to take action. Come up with a plan while you are well that gives you a specific road map as to what to do if a crisis starts to develop, or serious change is developing. Develop your own support system – a small group of friends or supporters that you can talk to when you feel change taking place – ones who you can trust to give you good feedback, ones who you can trust more than yourself when you aren’t thinking straight. While all of the actions listed take time and effort, they are well worth it if they are what it takes to avoid being arrested and sent to jail.

STEP TWO: COOPERATE

- **When You Are Arrested:** Keep in mind that when you are ill, your behavior can appear unusual, bizarre, and even threatening. Try to control yourself so that a law enforcement officer doesn’t feel compelled to use force. Also, keep in mind that, depending on the circumstances, an officer might be able to treat a situation as either a mental health incident or a criminal matter. By cooperating, you at
least give yourself a chance that you will be taken to get mental health treatment rather than being sent to jail. Also, be aware of the fact that when a person is being arrested for a misdemeanor (a more minor crime), if they resist arrest, or attack the officers in any way, they can be charged with a felony (a serious offense) even though the arrest originally was going to be for the more minor matter. This is serious and it does happen. Keep in mind, that while you should cooperate, you do have a right to have an attorney present if you are being questioned by a police officer or detective.

• **When First Entering the Jail:** When you are first brought to jail you will be taken to the Inmate Reception Center. There you will be screened for mental illness, as well as other health concerns. It is very important to be direct and honest to benefit as much as possible from this screening process. It’s okay, important, and even benefits you if you discuss your physical and mental condition, diagnosis, medications, etc., with the staff conducting the screening. The screening is done by the Jail Medical Services (JMS) nurse or an officer, and will include screening for mental health purposes. If a mental health need is detected, the Jail Psychiatric Services (JPS) staff may do a further interview. You should feel safe to speak openly with anyone from either JMS or JPS, concerning your physical or mental health.

• **During Your Stay in Jail:** It is certainly good to cooperate when you are arrested, and when you first enter the jail, but this step should continue during your stay in jail. Human nature being what it is, the staff in our jail is like everyone else – they respond the best to those that cooperate with them, and who do not give them a “hard time”. You will find that some jailors are more or less sympathetic towards someone with a mental illness, but almost everyone will treat someone better if they are cooperative.

• **By Learning the “Rules”:** Inmates each receive a copy of the *Inmate Orientation Handbook*, which has a lot of information about what the “rules” are, and how things work in the jail including: how to ask for services in the jail, how to buy from the commissary, how to receive your medications, how to contact the chaplain, and other important things to know about staying in jail. It is important that an inmate read this handbook, and become familiar with the information contained.

**STEP THREE: LET PEOPLE KNOW WHERE YOU ARE**

• **Your Family:** If your family does not know where you are, they will be greatly concerned, so you should let them know where you are. Inmates at the Fresno County Jail are able to make collect phone calls from the Jail. You will also be able to write letters to family members.
- **Notify Conservator:** If you are under a conservatorship, you should make an effort to have your conservator know where you are. Fill out a green request form¹ and ask to speak to JPS. Mention on the green request form that you are under conservatorship.

**STEP FOUR: ASK FOR HELP & SUPPORT**

- **Mental Health Treatment:** Mental health treatment at the Fresno County Jail is only given on a voluntary basis – you may have to ask for it to get it. This can be done by filling out a green request form. Once you have been seen and evaluated, you may be put on psychotropic meds for your mental illness. These meds may or may not be the same as those you were taking prior to being arrested. Not all medications are given in the Jail. Some are regarded as being “abuse-able” and therefore may not be given to anyone in jail.

Receiving your meds is on a voluntary basis also. Meds are usually given twice a day, once in the morning and once in the evening. When the meds cart is brought to your cell area, you must “step forward” with your cup of water to receive your medications. No one will push you forward for this purpose, and no one will come to you if you don’t step forward. The process for getting your medications is clearly spelled out in the *Inmate Orientation Handbook*.

- **Ask Your Family for Help and Support:** It’s okay to ask your family for help and support, but realize they may not be able or willing to do everything that you want them to do. Try to maintain an attitude of being thankful for what they are able to do rather than focusing on what they won’t do for you. Realize that it might be as traumatic for them, in a different way, to have you arrested and put in jail as it is for you to be the one arrested and put in jail. This may affect what they are able to do.

Relating to what they can do for you – don’t expect your family members to bail you out of jail. The fact that you got arrested may indicate to them that you are not well enough to “be on the loose”. They might very well feel that is safer for you and others (perhaps including themselves) that you remain in jail. Also, by putting up bail they are guaranteeing that you will show up for schedule court appearances in the future, and they may not be confident that you are well enough to keep these commitments. If you don’t show up, they can lose the bail (which can be a lot of money) that they put up.

You might feel that your family should hire a private lawyer to represent you in Court rather than having a Public Defender. This is unrealistic for most families. The cost of a private lawyer can be thousands and even tens of thousands of dollars. The difficult part is that at the start of your legal proceedings there is no telling how much it will cost because lawyers typically bill on an hourly basis.

---

¹ The Green Request Forms are further described in the *Inmate Orientation Handbook*, previously referred to above.
Many lawyers will require a substantial (or even full) payment in advance. Court proceedings can (and often do) drag on and on so that the hours, and therefore the dollars involved, pile up enormously.

Family members may be more willing to help if you are more open with them about your situation. One way to demonstrate this is to sign a written release of information form (ROI) so that JPS can provide them information about your condition. This form is a confidentiality waiver. An inmate can get the ROI form by asking for a green inmate request form. The JPS staff is prohibited by law from giving anyone information about a client’s status unless they have the client’s consent, but the staff can always receive information from relatives or friends with or without the client’s consent.

Family members can help in various ways and here are a few things you can ask them to do:

They can communicate information about your illness and medications you have been on to Jail Psychiatric Services (JPS). There is a Message Phone Line available specifically for this purpose. There is also a fax line where family members can send the same information. While JPS probably won’t call your family member back after they leave a message or send a fax, the information that they give will be reviewed by JPS and taken into account. Your family member can find the numbers to leave messages or to send faxes on the Fresno County Sheriff website or they can contact NAM Fresno at (559) 224-2469. NAMI Fresno has a booklet, similar to this one, with helpful information for families that have a mentally ill family member arrested.

They can visit you in jail. In order to visit someone in the Jail, anyone other than a child of the prisoner, must be on the visitor’s list filled out by the inmate. Please be aware that no visits are allowed until an inmate has been placed into a housing floor. Ordinarily, this takes from 4-12 hours. However, it can take longer if there is an unusually high level of activity at the Jail. Visiting for inmates is held according to his/her housing assignment, so family members will have to check on the specific hours when their family member can be visited. Calls to the Jail are discouraged, but visiting hours for a particular housing until can be checked on the Fresno County Sheriff’s website.

The visiting week schedule is from Saturday through Friday. Each inmate is allowed two, half-hour visits per week. Inmates may place up to three names on their visiting list and inmates may change these names at any time. Anyone wishing to visit an inmate must have their name on the inmate’s visiting list, and must be at least 18 years old. Children of an inmate who are under 18 do not need to be on the visiting list, but must be accompanied by an adult whose name is on the visiting list. All visitors must be able to present valid identification upon request by jail staff.
Your family can place money in your account so that you can purchase small items for the inmate’s commissary. While this won’t get you out of jail, it could make your stay there at least a little more tolerable. Once again information as to how your family member can place money in your account can be found on the Fresno County Sheriff website or in the booklet available through NAMI Fresno.

Your family can send you mail. Getting a little something may give you a much needed lift, especially in light of the fact that you can only have two visits a week. There is no limit to the amount of mail that an inmate may send or receive. All mail is inspected for contraband, and will be returned to sender if it includes anything not allowed. Items NOT allowed in mail to inmates include any sexually explicit material or photographs, postage stamps, stickers, or any item that is illegal or would cause a security risk. Photographs are allowed, however they may not be a Polaroid photograph. Once again, your family member can find out information on how to send you mail on the Fresno County Sheriff website or in the booklet available through NAMI Fresno.

To re-emphasize - try to maintain an attitude of being thankful for what your family is able to do for you rather than focusing on what they won’t or can’t do for you.

While you may be going through a difficult experience and want your family’s help, don’t forget they are going through a difficult experience too. Encourage them to get help and support. NAMI Fresno has support groups and classes designed to help family members through difficult times.

- **Ask for Help from the Jail Chaplain Service**

Keep in mind that Jail Chaplains are there to provide inmates with spiritual guidance only. They are not able to help you with your legal situation. If you wish to be visited by a Jail Chaplain, you may follow the procedure explained in the *Inmate Orientation Handbook*.

**STEP FIVE: COPE WITH BEING IN JAIL**

There can be very few things in life more difficult in life than coping with being in jail, whether or not you are guilty of the crimes with which you have been charged. While this is not intended to be, or nor can it be, a list of things to do to make life in jail pleasant, hopefully a few tips can make the experience more tolerable. The first thing you need to accept is that you will have to make adjustments. Life, no matter what it was prior to being jailed, will be different. You may have had a very settled and peaceful home. Jail life, in contrast, can be chaotic and disturbing. Don’t be too surprised if you feel disoriented and in a state of shock. Everyone experiences that to some degree.
Knowing what to expect, and what you might have to deal with, might help to some degree. Here are a few items that you will have to adjust to:

- **Time.** The passage of time in jail can seem very different. When you’re first locked up, a couple of days can seem like a month. Boredom can make the days (and nights) seem uncommonly long.

- **Noise.** One of the defining features of jail prison life is the incessant clanging of cell doors. Metal on metal tends to grate on the nerves. You either adjust to it quickly or find that you never quite come to terms with it. Noise, and particularly background noise is a perennial problem in jail. All kinds of noise is a constant irritant – whether endless chatter, or shouting from cell to cell, there is a psychological grind that just keeps on going.

- **Difficult People.** It is quite likely that you will have to live with some people that you wouldn’t chose to be your friends or neighbors – whether jail staff or other inmates. But, don’t get discouraged, you may very well find inmates who go out of their way to show you kindness and staff who do the same.

**Staying Safe**

Staying safe essentially comes down to basic common sense. Be vigilant, stay alert and treat others as you would like to be treated yourself. In a close and sometimes crowded environment, good manners can go a long way. Treat people and talk to others with respect. Don’t be nosy or encroach uninvited into others personal space. It’s better not to ask too many questions about why another inmate is in jail until you are sure that you have reached a “comfort level” with the other inmate. And, likewise, don’t be too eager to share information about yourself with other inmates. While having a mental illness is not something you need to be ashamed of - it’s a no fault illness - sometimes its best to not talk openly about it with others who may not understand.

If differences of opinion emerge between you and other people (including prison staff) be assertive but not aggressive. When on occasions the jail officers get difficult, try not to take things personally - they are just doing their job. As in life generally, diplomacy and cooperation are generally the best options.

The first few days/ nights might well be the low point of your incarceration. For many, it gets better as they adjust. As mentioned in another part of this booklet, contact with family or friends can help. Other helpful hints are these:

- Don’t be a pain in the neck! There are no awards made to those who are the biggest pain, and, the pain might be passed right back to you!

- Time passes quicker if you adopt a positive approach to your predicament.
• Don’t pass judgment on your fellow inmates. That is the job of the justice system. Your job is basically to get along with everyone as best as you can.

• It was mentioned before that you shouldn’t be eager to share information, but rather guarded, about yourself to others. This is especially true about giving out your home address, phone numbers, information about your family, or other personal details.

• Don’t let frustration get the best of you. There are plenty of things about life in jail that are frustrating. Try not to dwell on them. To the degree you can, find other things to do – read a book, take on an improvised craft project, go to a chapel service, etc.

• Manage your feelings of anger. Some individuals have gone through “anger management” classes. While in jail it’s a good time to refresh your memory on what you learned. Even if you haven’t taken such classes, keep in mind that nobody “makes us mad” – it’s our decision. Don’t let somebody or circumstances control your life, keep it cool!

• Time will pass more quickly if you take it a day at a time. Try not to get overly hopeful that you are going to get out in so many days. Until a decision is made by the court, you will really won’t know. Don’t set yourself up for disappointment and frustration.

• Treat others kindly. There may be others there who are having a tougher time with the circumstances than you are. Being helpful, and kind to others can help lighten your own burden.

STEP SIX: GOING THROUGH THE LEGAL PROCESS

• Keep in Mind the Process Most Likely Will Not Be Fast: You may have heard of situations where someone is booked into jail only to be quickly released a short time later. The Fresno County Jail does not ordinarily have anyone there on a “book and release” basis, which occurs in some jurisdictions for minor offenses. This means that if you have been taken to the Jail, ordinarily you be there for a period of time, and not be quickly released.

• Legal Representation: A public defender will be assigned at arraignment (your first appearance in court) if you do not have or cannot afford a private attorney. Do not be afraid to use a public defender. Public defenders often have knowledge of the system as it pertains to those who need mental health services. In some cases, if there is deemed to be a conflict of interests with the Public Defender’s Office, you might be appointed an attorney from the “conflicts” attorney’s staff to represent you. The current “conflicts” firm in Fresno County is
Ciummo and Associates. If a “conflicts” attorney is appointed there is no cost to the client.

If you or one of your family members decides to retain a private attorney on your behalf, be sure to tell them to select one that is well versed in helping people with mental illness and understands how to access the treatment facilities and mental health services that are available.

- **Competency:** If you are thought to be too ill, there will be a competency hearing to see if you are well enough for your case to proceed through the Courts. A person must be sound minded enough to understand the charges against them, and capable of assisting in their own defense. At the hearing it will be decided if you will be sent to a State hospital so that you can receive treatment which is intended to make you fit to go forward with your Court proceedings. There is not set amount of time for this, just whatever it takes to get you well enough to proceed.

- **Behavioral Health Court (BHC):** The Fresno County Superior Court has initiated a special court designed to deal with cases involving someone with a serious mental illness. Not everyone will qualify for this Court, depending on the charges, and the agreement of the various parties involved. There is also a limited number of “spots” available in this Court. Anyone whose case is assigned to this Court must agree to this, it is on a voluntary basis. A person assigned to this Court may receive special assistance in getting on a path of wellness and recovery related to their mental illness. But, there is also an expectation that the individual will do their part and be accountable to the Court to demonstrate this. Someone going through the Court system who wants to be considered for the BHC should talk to their attorney about this possibility.

**STEP SEVEN: PREPARING FOR YOUR RELEASE FROM JAIL**

- **The Day You Are Released:** The Jail staff is not likely to know when a prisoner will be released until a release is ordered by the Court. This order can be issued at a late afternoon Court session such that by the time the paper work is processed, the prisoner is released late in the evening. If a prisoner is released, even late in the evening, the Jail staff will not make any phone calls to inform family members that they need to be picked up. However, in the holding area that a prisoner is in prior to being released, there are phones available where the prisoner can make a phone call in order to be picked up. This means that if you have some idea that you will be released after a Court appearance, you should alert a family member or friend that you might be released soon, and ask them to be available to pick you up.

- **Staying Out of Jail:** Getting out of jail can feel great, but that feeling will be short lived if you can’t stay out. Make it your priority to not go back. This means getting re-connected to your mental health treatment on the outside – which will
include obtaining and staying on your meds right away. Refer to Step One of this booklet for other things you can do to keep yourself well and out of jail.

Acknowledgements:

This informational guide was assembled and/or written by Curtis A. Thornton, a member of the Fresno County Mental Health Board.

Thanks go to the various Departments of Fresno County, and others, for the information that they have provided.

Thanks also go to mental health advocates, Brenda Leue, and my son, Curtis Q. Thornton, for their encouragement and inspiration to produce this guide.

Special thanks to NAMI Criminal Justice Committee of Los Angeles County, and to NAMI of Santa Cruz County Board Members. The format they used in booklets - meant to assist family members who have a mentally ill family member who has been arrested. - was utilized in an earlier booklet prepared for the same purpose in Fresno County. This same format has been utilized to some degree in this booklet.

An online article written for members of FACT, written for those about to be imprisoned (no author given), was a resource for the section on Coping Skills. http://www.scribd.com/doc/9504022/Coping-With-Prison-Life

A very thorough publication by NAMI Metropolitan Baltimore Beyond Punishment: Helping Individuals with Mental Illness in Maryland’s Criminal Justice System was reviewed while writing this article. While nothing from this publication was directly utilized in this booklet, it is an important resource for families and consumers to be aware of in regards to the subject.

Disclaimer:

Nothing included herein has been prepared by attorneys, and this information is not intended to be a substitute for professional legal advice. If in doubt, you should obtain proper legal representation

Copyright by Curtis A. Thornton. Permission is given to copy, only in its entirety, for the benefit of mental health consumers and their families.

April 2009