

A Guide for Assisting Families Whose Loved One with Mental Illness has been Arrested

My Family Member Has Been Arrested. What Do I Do?

A step-by-step guide to help families cope with the criminal justice system in Contra Costa County, California when a family member who suffers from a brain disorder (mental illness) is arrested.

STEP ONE: SUPPORT YOUR RELATIVE

- If your family member/friend calls you and says that he/she has been arrested, help him/her stay calm and let him/her know you are there to help.
- If your mentally ill relative is already at the Contra Costa County Jail, he/she can expect to be interviewed by a Medical evaluator at intake who will make a referral to Jail Mental Health provided the individual reports a history of mental illness.
- It is OK for your mentally ill family member to discuss his/her physical and mental condition, diagnosis, medications, etc. with Medical Evaluation Team members. It is important that he/she feels safe and to speak openly with mental health screeners.

STEP TWO: SEND A FAX TO JAIL MENTAL HEALTH – (925) 335-4758 FAX

If your family member is being held in a Contra Costa County jail facility, you may call Jail Mental Health – (925) 335-4740 to notify them that your family member suffers from a mental illness. Describe the diagnosis and any other concerns you might have. Do NOT expect them to give you information as they are bound by confidentiality laws. For general medical concerns call (925) 335-4707 Medical Office.

- Immediately prepare a FAX requesting that your relative be evaluated for mental health treatment. Head this fax with your relative's:
 1. Full legal name
 2. Date of birth
 3. Booking number (SEE STEP THREE)
 4. Location (SEE STEP THREE)

- In the body of the fax
- State his/her diagnosis.
- Provide his/her psychiatrist's name, telephone number, and address
- Indicate the medications that are prescribed for your family member by name, dosage, and the time of day to be administered.
- Note if a particular medication has proven to be ineffective, or has dangerous and/or uncomfortable side effects.
- ALERT if a suicide attempt is a possibility or if you have other serious concerns.
- Describe any other urgent medical conditions that might require immediate attention such as diabetes, high blood pressure, seizures, heart problems, etc. and note the necessary medications to be given. Include his/her medical doctor's name, address, and phone number for verification purposes.
- List (to the best of your recollection) in chronological order:
 1. When he/she first became ill
 2. Any "5150" detainment
 3. Hospitalizations
 4. IMPORTANT: Do NOT address any impending charges against your family member in this fax. Provide only medical and mental health information!
- IMPORTANT: Do NOT address any impending charges against your family member in this fax. Provide only medical and mental health information!
- Keep a copy of this fax for future reference. If your family member is transferred to a different facility you may need to fax this information again.
- Communication with staff can be improved by designating one person or family member as the contact person.
- PLEASE keep your calls to Jail Mental Health Staff to a minimum. Their primary role is to provide mental health services to the inmates.

STEP THREE: COUNTY JAIL INFORMATION

- For further information about your loved one you can call the Contra Costa County Jail Operations at MDF (Main Detention Facility) call (925) 335-4600 OR Jail Operations at

WCDF (West County Detention Facility) (510) 262-4200 and ask for the following information:

1. Booking number
 2. County jail facility in which the person is being held
 3. Charges
 4. Bail Amount
- *NOTE: THEY WILL NOT PROVIDE*
 1. Release Date
 2. Court Date

STEP FOUR: DECIDING ON LEGAL REPRESENTATION

- Your family member may want to retain a private attorney or use the Public Defender's Office (925) 335-8000. If a Public Defender is assigned it usually takes a few days for this to happen.
- Provide information To the Attorney. Provide the attorney with an extensive medical/psychiatric/social/ educational history of your family member. This information presented in writing will be very useful in pursuing the best outcome for your loved one.
- *Do Not Expect Information in Return!*

Your loved one is entitled to representation and as an adult are entitled to attorney-client privilege.

- **Private Attorney**
 1. If your relative has a private attorney, contact him/her and provide him/her pertinent information regarding your relative's case and mental health condition.
 2. If your family member decides to retain a private attorney, be sure to select one that is well versed in helping people with mental illness. He/she must understand not only the law, but also how to access the treatment facilities and mental health services that are available.
 3. *Many private attorneys are NOT familiar with the criminal justice system.* Be sure that you select someone who knows how to work with the criminal courts.

4. A private attorney will grant you more time, but remember you are paying for that access.

- **Public Defenders Office**

1. If your relative does not have, or cannot afford an attorney, a Public Defender will be assigned to him/her at the arraignment.

2. *Do not be afraid to use the Public Defender.* Public Defenders often have knowledge of “the system” as it pertains to those who need mental health services, as the Public Defender’s Office also represents individuals in LPS, Probate and AOT Proceedings. In addition, the Public Defender’s Office is involved with a variety of mental health-oriented Collaborative services including the Behavioral Health Court, where the focus is on addressing mental health issues and linking clients with mental health services and other resources.

3. Public Defenders are extremely busy and do not have much time for telephone calls. He/she will appreciate written or faxed correspondence. Remember, it is the inmate, not you, who is the attorney’s client.

STEP FIVE: CONSIDER BAIL CAREFULLY

- **Consider carefully the posting of bail for your family member.** No one wants a loved one to remain in jail. However, there are unscrupulous bail organizations who will obligate the inmate to payments s/he may be unable to make. (Be aware that SSI funds are NOT appropriate for making bail). *If your loved one calls from jail and tells you that another inmate can arrange for bail through a bail bonds person – Advise your loved one that this is a scam!*

- Being in jail is an unpleasant experience for them as well as the family. However, you must ask yourself the following question: Will my family member be able to comply with the terms of the bail and appear in court when required?

- Also, jail may be a safer place for a person with severe mental illness who is in crisis rather than having him/her wandering the streets with no help at all. At least in jail he/she will be fed, will have shelter and will be given access to medication treatments.

STEP SIX: IDENTIFY COMMUNITY RESOURCES

- Plan to attend the Crash course. Go to www.mhcrashcourse.org for detailed information.

CONCLUSION

- Supporting and coping with a loved one who suffers from a brain disorder can be extremely challenging and stressful. Knowledge, as well as your love and fortitude, will be instrumental in helping you to provide strong and effective support to your family member
- Contact NAMI Contra Costa County help line at 925-942-0767. Leave a message and one of their family support advocates will get back to you within 24 hours.
- The specific procedures to help families navigate the “system” in Contra Costa County were prepared by NAMI Contra Costa County. We are not attorneys. These procedures are not intended as a substitute for professional legal advice. Please assist your family member in obtaining proper legal representation.
- Inmates may be held for up to 72 business hours and must be released if not taken to an arraignment. However, that doesn’t mean it’s over. The DA has up to 1 year to file on a misdemeanor and 3 years to file on a felony. If released prior to the arraignment, a warrant could follow by the District Attorney.