

## Tips from Parents on Arrests, Jail and Court

### When your relative living with mental illness is arrested...

- First of all **try to not PANIC...and don't be embarrassed**. Those living with this illness get arrested quite often for a variety of reasons. It's NOT YOUR FAULT, and you have to remember they are ill and not behaving normally. You are NOT ALONE...many of us have already been there..even more than once. It's quite shocking at first – especially if you have no experience with jail, court, etc. It might seem like a waking nightmare, but we survived it, and so will you. Breathe and take it as easy as you can.
- **Before you try to blame yourself...** REMEMBER many of us had already tried to get our relative to seek help WAY BEFORE the arrest. We did interventions, attempted trips to the ER to get them to check themselves in, pleaded with them to call Behavioral Health for services, yelled, called the police ourselves for help and went through a number of hospitalizations. Due to patient rights, they are no 'mandated treatment' programs for those that cycle in & out of hospitals, etc, short of conservatorship. So, as long as people who are ill are able to refuse treatment, arrests and jail can happen. YOU TRIED. Now it is up to them if they want to make changes in their life – and treatment is a CHOICE ONLY THEY CAN MAKE.

### Jail

- Strangely for some of us, jail can actually be a comfort. Our loved one is not on the streets unsupervised, and we know where they are. My relative actually saw a Dr. and took medication for the 1<sup>st</sup> time in 2 years in jail of all places! This was after being homeless, filtering in & out of hospitals, couch surfing, drinking, etc. Jail can't force them to take treatment offered (patient rights again), but they have time to think and reflect on how they got to this low point, and it can create a change in their thinking about their choices.  
*Social Worker in Jail told me: "We've got him. Strange as this sounds, you should relax right now. He's not on the streets, and we'll be keeping a close eye on him and will try to get him to agree to treatment while he's here."*
- The most important thing for you to do FIRST is to go to the NAMI Website and click on the "[Family Member Arrested](#)" webpage. I found this extremely helpful, and I followed the instructions to the letter. It worked very well for us.
- It's possible that when the jail social workers and mental health professionals hear from us as family members through faxed paperwork on medications, diagnoses, hospitalization, etc, they might check on our relatives a little bit more than usual. They know someone is monitoring their relative, and someone cares. Not saying there is 'special treatment' here, but it might put our relative on their radar. I think they appreciate the information. You shouldn't really share the 'Crisis Log' of the FULL history (legal part). That doesn't belong with them, but with your loved one's public defender or attorney. But definitely send in the forms NAMI suggests, with the focus on your relative's illness – what works and what doesn't. 'Lack of Insight', resistance to medication, delusional thinking or any other things that can help them understand your relative is helpful.
- In the beginning, family and friends got calls from bail bonds reps due to my relative giving them their contact info. We asked our relative to stop doing that and that there would be no bailout. Some of us directly asked family/friends to NOT feel guilty or help with that. The goal is to make sure they get treatment, and many of us felt this was actually a chance to do it. Luckily, my relative had no hard feelings on the bail bond denial, and he did accept treatment for the first time in 2 years as a result.

- The psychiatric nurses, social workers, etc in San Jose Main Jail were extremely helpful. They generally do a pretty good job in accepting a call now and then and sharing information on how our relative is doing IF our relative gives permission. Also, if you notice something of concern during phone conversations or visits with your relative, you can call over to psychiatric staff and ask for a Welfare Check, which was comforting.
- Sometimes they move those living with mental illness around a bit between psychiatric unit and the regular inmate section. This is due to the need to add space for emergencies in psychiatric, so if someone seems stable, they can be with regular section for some socialization, etc. (My relative played checkers now and then with others). They do try to keep a good eye and if they see any sign of stress, those living with mental illness are moved to psychiatric if they need some private time or more observation.
- For our relative, there was no indication of bad treatment while in there. Not a fun experience of course, but the 'nightmare scenario' in our minds isn't always what happens there. From the information NAMI has collected on reforms for how those living with mental illness are handled, it sounds like things are much better, and they are still making improvements.
- There is a way to provide funding for 'spending' in jail so your relative can buy needed things in the jail 'store'. Some of us try NOT to give too much money here – just enough for basic necessities...not a bunch of junk food, etc. While it's normal to be worried about your relative, you also don't want them too comfortable there either. The point is for them to think about their decisions and how it can be avoided in the future.
- Many of us had been frustrated by phone service program. Hopefully it's been improved..apparently they have a NEW contractor that runs that. We experienced a lot of dropped calls, and it's not cheap, so that was irritating. Looking back, it wasn't a bad thing that couldn't call my relative. He had to call me, and it was better that way. As a result, it gave him space to think about his life and how he might make better choices. He played checkers, read books and did a lot of thinking while there. It's always best that THEY call when they feel up to communicating with us.
- In-person visits are a complicated issue. For some of us, it wasn't beneficial for either us or our relative, but that's up to you and your relative. My relative didn't like being seen behind the glass, so I used that one visit to stress that he agree to treatment from the psychiatric staff and cooperate as much as possible if he wanted to be released to a mental illness program. We both found that him calling when he wanted to talk was better for both of us, so we were in touch that way. Every situation is unique, so do what is right for YOU.
- Getting a visit appointment can be stressful, with long lines, etc...it's sorted like a very sad DMV office. But once it's your turn to pick an appt. (unless they run out of spots), they are kind and try to help you. If you do decide to go visit, try to bring a supportive person with you. They can wait in the lobby area while you go in to see your relative. It's not dangerous..just stressful and upsetting.

### Court System

- Many of us have done very well with the public defenders office. It's important to share the AB1424 and full "Crisis Log" history so your PD (Public Defender) is well aware of their client's history in order to properly represent them. Our PD was great about setting up a phone chat with us so we could explain our concerns, our relative's issues and that **we wanted them to be transferred to Mental Illness Court**. We emailed info as well, and though they are very busy, ours was great at replying to emails. (We tried to keep it to a minimum). Providing information

to the PD is a CRITICAL role for us as family members. As a rule, PDs tend to be better at representing those living with mental illness because they have so much experience with it. My relative was respected when they finally met in court, and the PD was very well prepared.

- PDs will leave it up to YOU whether you want to be present in court for arraignment, trial, etc, but they say it can be comforting to your relative to have you there, and the Judge and DA can see that there IS family support, which might make a transfer of the case to mental illness court more likely, which is the ultimate goal. If you can go with a supportive friend/family member, please do..If you've never done it, it can be very upsetting. You will see your relative shackled and in an orange jumpsuit led in with other inmates, which can be somewhat painful to see. *(I actually kept having tears...even while the PD was explaining things to me in the court hallway. I just couldn't stop the tears, but he was very kind. I'm sure he has seen many families upset by this..especially if it's a first time experience).*
- Most PDs are very good at explaining to our relative on what to do in the court, and how they should approach the judge, etc. They work directly with the Judge and the DA on our relative's behalf, and if we've provided good information on their history, they can explain the mental health history to the regular court and make the case for transfer to mental illness court. (You can help stress you want that to happen to the PD early on).
- Sometimes the DA will come over and speak to us as family members, but it's good to only share your concerns for their illness and that they get treatment and recover. It's not a bad thing to express your concerns, and my own experience was that the DA was very understanding and has seen this situation many times before. It doesn't hurt for the DA to see that the defendant has a family that cares and plans to support any treatment that is ordered by the court.
- The regular court Judge was very kind, and she explained what was going on as well to our relative. The best case scenario is for the regular judge to refer your relative to Judge Manley's mental illness court (Usually it's Judge Stephen Manley, but could be other judges doing this too). Don't be surprised if your relative has to do more time in jail, depending on charges, but they often take time off for what they've already served.

### **Mental Illness Court**

- It's a good idea to go to their mental illness court date. Just remember that they may have to stay in jail for a bit longer even if they have been ordered into a treatment program due to needing a bed to open up. So patience is needed here, but if the mental illness court orders treatment, there's a light at the end of the tunnel. Your relative will have the orange jumpsuit on again and will be there with other inmates, like reg. court appearance.
- In this court, there is a team of social workers that work for Judge Manley. One is assigned to your relative, and they will go over and speak with your relative to understand their story, ask them what they hope to accomplish, etc. It's a good idea to approach the bailiff and ask if your relative's social worker can speak with YOU after the court session ends. The bailiff can notify the social worker of your request.
- Judge Manley is very kind but also tough. Your relative will observe people who were released from jail and currently appearing to testify to the judge on their progress in their court ordered program. The Judge will ask questions, ask the Social Worker to provide information, etc. They are either praised for their compliance with the program, where they receive applause from everyone in the courtroom (with actual clapping)...OR...if they did NOT comply with court ordered treatment (Not going to Dr. appts, refusing to take meds, etc), Judge explains they are responsible to do what the court orders, and they are remanded BACK to jail for a limited

amount of time so they can think about better choices. (Your relative will observe ALL of this..could be educational). Judge Manley lectured the entire court about how those living with mental illness or substance abuse deserve a chance to get better, but that they have to control their own lives and choose what life they want. Very good, tough love stance that works well.

- After the court session, it's good to remind the bailiff that you need to see your relative's social worker. They will go out in hall with you, and you will want to ask for a highly structured, supervised program with medication mgmt., and provide them with the AB1424 form, along with mental health history so they understand compliance issues, etc. Again, this is the MOST important thing you can do as a family member – tell the truth to any professionals so they understand what your relative maybe can't (or won't) tell them. As a result, we got an excellent placement in an effective program, though our relative had to stay in jail until a bed opened up in the right program. Worth the wait really. (For many of us, placement in residential programs OUTSIDE of our home works better. Some of our relatives need to take more responsibility for their recovery, and professionals are best at this). Don't expect great responses to your phone messages from court social workers...they are quite busy. Just leave short messages if important, and try to speak to them next court date after adjournment if you have concerns).
- THIS IS IMPORTANT: If they have SSI/SSDI, try to get that and their Medi-Cal re-established once you have a jail release date for your relative. It gets dropped while they're in jail, so it's good to get it going again for when they're released so the housing place can get paid. We didn't know this, so it took awhile. But it worked out OK anyway, and it didn't delay his placement in his new housing.
- Once released, the court usually has your relative transported straight to where they are doing their program. Our relative had to stay in for 2 weeks, then they could have limited time outside of facility. Some programs require group sessions, medication, Dr. visits, therapy, chores in residence, following rules, etc. Visits are allowed after 2 weeks, but they need to sign out and there are curfews, etc. Always good for us to provide information on mental health history, and if relative gives permission, they can let us know how they're doing. I tried to minimize prying his professional team for information on him though. I wanted HIM in the driver's seat and have him manage his own recovery with the professionals. No enabling and no controlling. His job.
- Often the program will be responsible for transporting your relative to mental illness court about once a month on their court date. Whoever is doing that will provide court with report on compliance with meds, Dr visits, behavior, etc.
- Some of our relatives also had probation officers who met with our relatives regularly at their residence, and they provided reports to the court as well. My relative's probation officer was AMAZING. She was so sympathetic and supportive to me as a family member, and she totally 'got' the problem with mental illness. She monitored his progress and was influential in making sure he was kept in the right placement if things were working. But she also reminded my relative that if he didn't comply or got into trouble, she would have no choice but suggest he be remanded back to jail by the Judge if needed. That went a long way with compliance.
- Even though it generally isn't 'ordered' by the court, ask the social worker if your relative can get the 'suggestion' from the court that they attend the NAMI Peer to Peer Program. If it comes from the court, they're more likely to go, and it's an excellent program. It doesn't mean your relative will necessarily have total belief that they are living with a mental illness, but they may learn something useful and meet some supportive people. Your relative will be able to tell the Judge when they complete the NAMI program, which is impressive in this particular court.

- If your relative successfully stays with the program and does everything the Judge asks of them, they will 'graduate' from the Mental Illness Court Program. Usually this takes about 18 mos, depending on the situation. Ask the Social Worker about possible 'expungement' of the charges on their record after this 'graduation'. That way, they might be able to apply for jobs in the future and not talk about a record.
- After 'graduation' from the program, our relatives are often referred by the court social worker team to a less restrictive program through a mental health program provider. Make sure they will have a case manager and psychiatrist and medication services all ready to go, along with requesting SUPPORTED HOUSING for those living with mental illness, with onsite assistance with medication, etc. Make sure (as always) the AB1424 and Crisis Log are distributed to the new team. Some of us have relatives with Momentum, which offers FSP services (Full service partnership), which includes a case mgr. psychiatrist, therapist and services for job training, housing placement and information on VTA passes and free cell phone, etc. There may be other great programs available as well that they can refer your relative to.
- Try to think of what happened to your relative as a 'gift' in a way...a chance to learn from mistakes and an extra incentive to take care of their health. Some families have seen great improvement in their loved ones living with mental illness as a result of this type of experience. Some of us haven't had a repeat of the jail/court experience, while others have had to be patient as their loved ones need more time to learn better coping skills. Just try to stay positive and take good care of yourself regardless of what choices your relative makes.