

MENTAL ILLNESS ARREST – WHAT DO I DO?

A step-by-step guide to help mental health consumers cope with the criminal justice system in Dane County when they have been arrested. Nothing included herein has been prepared by attorneys, and this information is not intended to be a substitute for professional legal advice. For further assistance, you should obtain proper legal representation.

STEP ONE: COOPERATE

- *When You Are Arrested:* Keep calm and keep in mind that, depending on the circumstances, an officer might be able to regard the situation as either a mental health incident or criminal matter. By cooperating, you provide yourself the opportunity to be redirected directly to a mental health treatment facility rather than being detained. Throughout the whole process 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:* Upon arrival 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.
- *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. It will be important for you to read the prison handbook and learn how to ask for the appropriate services in the jail and how to receive any psychiatric assistance or medications during your stay. The Dane County prison handbook can be found at: <http://prisonhandbook.com/7073/dane-county-jail-madison-wi/#comments>

STEP TWO: 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. Inmates at the Dane County Jail are able to make collect phone calls.

STEP THREE: ASK FOR HELP & SUPPORT

- *Mental Health Treatment:* The Dane County Jail offers medical and mental health care 24 hours a day, 7 days a week. However, the Dane County Jail does not have an Infirmary. Emergency medical and mental health requests are handled immediately. Non-emergent medical and mental health requests may be addressed through a sick call slip. Slips are collected daily. Request slips for medical and mental health care are triaged within 24 hours and addressed within 48 hours Mon-Fri. Requests will be addressed within 72 hours on Saturdays and Sundays.
- *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.

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 the county jail.
- They can visit you in 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. Visiting hours for a particular housing unit can be checked on the Dane County Sheriff's website.
- Your family can place money in your account so that you can purchase small items for the inmate's commissary.

To re-emphasize - Remind yourself that your family is going through a difficult experience as well. NAMI Dane County has support groups and classes designed to help family members through difficult times.

STEP FOUR: GOING THROUGH THE LEGAL PROCESS

- *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.

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.

For more detailed information on how to find an attorney, go to: [How to Find a Lawyer in Dane County](#)

- *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. This ensures that the person is capable of assisting in their own defense. At the hearing it could be decided that you might need to receive additional treatment before you are fit to go forward with the Court proceedings.