

Mental Illness and the Criminal Justice System

If your family member is at risk of becoming involved with the criminal justice system, there are steps you can take to help ensure a positive outcome.

What Families Can Do

From the beginning:

Keep a written record of your family member's medical/psychiatric history

- Diagnoses and symptoms
- Treatments: medications/dosages
- Medication reactions: positive/negative
- Hospitalizations/incarcerations

Include all dates, names of treating physicians and their contact information: addresses, phone numbers, e-mail addresses

Give your written record to anyone who can help your family member:

- Any new psychiatrist
- Responding police officers
- Criminal case manager (prosecutor's office)
- Public defender, judge, prosecutor

When there is a crisis:

- Remain calm.
- Call the psychiatric emergency screening center first and explain the situation.
- Make sure first responders understand that your family member is suffering a mental illness crisis and needs to be taken to screening for evaluation, not jail.
- Give police officers a Dos and Don'ts card.
- Show the officers your written history and make sure screeners have a copy as well.
- Make sure screeners and police are in cooperative contact with each other.
- The goal is to keep your family member out of the criminal justice system and into treatment.

If at all possible:

- Avoid filing a restraining order against your family member. Once booked, it is very difficult to extricate someone from the criminal justice system.
- Inform first responders that your family member needs a psychiatric evaluation; emphasize that you do not want him or her arrested. Do this as soon as possible, preferably on first telephone contact.
- If a family member is booked:
- Make sure the jail psychiatrist and medical staff get a copy of the written history. It is a good idea to have the jail fax number available to caregivers.
- The jail medical staff may not be able to contact you legally, but you can contact them and help your family member.

If a family member is booked: make sure everyone concerned with your family member's case understands that he or she has a mental illness and needs treatment.

- Prosecutor
- Criminal Case Manager
- Public Defender
- Judge
- Probation Officer

If a family member is incarcerated:

- Monitor your family member's care in jail or prison.
- Make sure the jail psychiatrist and medical staff receive a copy of the history.
- If proper treatment is not provided, New Jersey Protection & Advocacy can help: call 1-800-922-7233

Upon release from jail/prison:

- Make sure your family member's probation or parole officer receives a copy of the history (which should now include the incarceration experience/medications, etc.).
- Give the history to any new treating psychiatrist.

Advocate locally:

- If police and corrections officers in your county need mental illness continuing education and do not get it, approach your mental health board and ask that it be initiated (since 2002 recruits receive it as part of basic training).
- The county prosecutor is responsible for the criminal justice system in your county.
- Your prosecutor can help implement training for police, corrections, probation officers, dispatchers, judges and court personnel.
- Ask your prosecutor to initiate a dialogue between the criminal justice and mental health systems in your county.
- Psychiatric emergency screening coordinators are supposed to train law enforcement. If they are not doing it in your county, ask your Mental Health Board to initiate it.

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The State's Voice on Mental Illness

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