

# Criminal Justice

Advocating for an Adult  
with a Mental Illness

A

ADULTS



**nami**

National Alliance on Mental Illness

**MINNESOTA**

Phone: 1-651-645-2948

Toll Free: 1-888-NAMI-HELPS

[www.namihelps.org](http://www.namihelps.org)



NAMI Minnesota champions justice, dignity, and respect for all people affected by mental illnesses. Through education, support, and advocacy we strive to effect positive changes in the mental health system, and increase the public and professional understanding of mental illnesses.

# **CRIMINAL JUSTICE**

## *Advocating for an Adult with a Mental Illness*

<b>INTRODUCTION</b>	1
<b>MENTAL HEALTH CRISIS</b>	2
<b>LAW ENFORCEMENT RESPONSE</b>	4
<b>THE ARREST</b>	4
<b>THE JAIL</b>	7
Mental Health Services and Medications in the Jails	8
<b>ARRAIGNMENT</b>	9
Continuance Without Plea	10
Plead Guilty	10
Plead Not Guilty	10
Case Dismissed	11
No Contact Orders	12
<b>DEFENSE ATTORNEYS</b>	12
Public Defenders	13
Criminal Defense Attorneys	17
Other Options	17
Working with an Attorney	18
Talking to the Defense Attorney	18
Talking to Other Individuals in the Criminal Justice System	19
Changing Attorneys	19
<b>WARRANTS</b>	20
<b>PLEA BARGAIN</b>	23
<b>RULE 20 PROCEEDINGS</b>	23
Rule 20.01: Competent to Stand Trial	23
Rule 20.02: Mental Illness Defense	25
<b>THE TRIAL</b>	25

<b>SENTENCING: TREATMENT</b>	26
Treatment Programs	27
<b>SENTENCING: JAIL OR PRISON</b>	28
Support For the Family	28
Mental Health Treatment During Incarceration	29
Substance Abuse Treatment During Incarceration	30
If You Have Concerns About Treatment	31
in a Minnesota State Prison	
Data Privacy	34
Other Options	34
<b>SENTENCING: PROBATION</b>	35
<b>LEAVING THE JAIL OR PRISON</b>	35
Discharge Planning	35
Health & Financial Benefits	36
Treatment, Services and Supports	38
Housing	39
Employment	41
Education	42
Identification	42
<b>ST. PETER STATE HOSPITAL</b>	43
Family Involvement, Advocacy and Complaints at MSH	45
<b>CONCLUSION</b>	46
<b>COMMON TERMS</b>	47
<b>RESOURCES</b>	50

## INTRODUCTION

This booklet is for anyone trying to advocate for a person with a mental illness who has been arrested or is otherwise involved in the Minnesota criminal justice system. It contains basic information about the criminal justice process from the response to an incident all the way to release from prison. This booklet does not contain legal advice.

Too many people with mental illnesses become entangled with the criminal justice system due to lack or failure of treatment. NAMI works to ensure that community mental health services and supports are available so that people can live successfully in the community and so that contact with law enforcement and the criminal justice system does not occur. At the same time, it works to ensure that if people with mental illnesses do end up in the criminal justice system, they are diverted whenever possible from jails into treatment, that they have access to medications and treatment while incarcerated and that there is discharge planning to prevent recidivism.

Psychiatric symptoms, such as delusions and hallucinations, are often the reason a person with a mental illness encounters the criminal justice system. Sometimes it involves self-medicating through the use of alcohol or illegal drugs. When a crisis occurs, a law enforcement officer often responds, which can lead to a criminal justice response (arrest, filing charges) rather than a mental health response (referral to crisis services, outreach or hospitalization).

Unfortunately, people with mental illnesses are overrepresented in Minnesota correctional facilities. About 25% of the men and 65% of women in state prisons receive treatment for mental illnesses. The percentage is unknown in Minnesota jails. Across the country, an estimated 14% of people in state prisons and 26% of people in jails met the threshold for serious psychological distress (Bureau of Justice Statistics, 2009–2012).

Advocating for your loved one with law enforcement officers and courts can be very difficult, stressful and intimidating—but it can also make a difference. As a family member, friend, peer advocate or community mental health worker, you should know that sharing information about the individual can be helpful. Key decision-makers—law enforcement officers, judges, prosecutors, defense attorneys and jail staff—will make important decisions about this person using the information that is available.

Advocating alone is hard. Don't hesitate to reach out to leaders in your faith community or groups you belong to and ask them to accompany you to the jail, court and so forth. Having someone with you in stressful

situations, such as talking to law enforcement officers or jail staff, can be a huge help. Not only is there another person to remember what was said, but it demonstrates that more than one person is concerned about the plight of the individual with a mental illness. The criminal justice system contains a lot of discretion, starting with the law enforcement officers, then the prosecutor and finally the judge. Your advocacy is important because it may result in improving the person's situation.

### FLOW CHART OF EVENTS



At every stage in this chain of events (simplified in this illustration), the chance exists that the person could be released or diverted out of the criminal justice system into the mental health system. The next sections will explain in more detail each stage in this chain of events. ■

## MENTAL HEALTH CRISIS

For more in-depth guidance on mental health crises, refer to NAMI's booklet, *Mental Health Crisis Planning: Learn to Recognize, Manage, Prevent, and Plan for Your Loved One's Mental Health Crisis*.

When a mental health crisis or severe behaviors occur, friends and family often don't know what to do. The behaviors of a person experiencing a crisis can be unpredictable and can change dramatically without warning.

If you are worried that your loved one is in crisis or nearing a crisis, seek help. Assess the situation before deciding whom to call. Is the person in danger of hurting themselves, others or property? Do you need emergency assistance? Do you have time to start with a phone call for guidance and support from a mental health professional? Most importantly—safety first! **In a crisis situation, when in doubt, go out.**

If you do not believe your loved one is in immediate danger, call a psychiatrist, clinic nurse, therapist, case manager or family physician that is familiar with the person's history. This professional can help assess the situation and offer advice. The professional may be able to obtain an appointment or admit the person to the hospital. If you cannot reach someone and the situation is worsening, do not continue to wait for a return call. Take another action, such as calling your county mental health crisis team.

In Minnesota, each county has a 24-hour mental health crisis phone line for both adults and children. Some 24-hour phone lines serve more than one county. These crisis lines are staffed by trained workers who assist callers with their mental health crises, make referrals and contact emergency services if necessary.

All counties also have a mobile crisis response team. Mobile crisis teams are teams of two or more licensed mental health professionals or practitioners that can meet the person at the scene of the crisis or wherever the person will feel most comfortable. Response times for mobile teams may vary depending on your location and the location of the mobile team staff. Crisis teams are meant to be accessible to anyone in the community at any time. They are generally available 24 hours a day, seven days a week and 365 days a year to talk or meet face-to-face with a person in a mental health crisis, conduct a mental health crisis assessment and create a crisis treatment plan. You can also call \*\*CRISIS (274747) from a cell phone to be connected to your county's mobile crisis team.

A person does not have to have a mental health diagnosis to receive crisis services. Crisis teams will respond and address the situation regardless of whether or not the person has insurance. If the individual in crisis does have insurance, the crisis team will bill their insurance company for services they provide. Some crisis teams offer interpreter services for non-English speakers who require assistance, although those who need an interpreter may have to wait longer to receive crisis services depending on the interpreter's availability.

When you call your mental health crisis team, they will triage the call to determine the level of crisis service needed. If the person experiencing a crisis is in immediate danger to themselves or others, the crisis team will contact law enforcement. Sometimes law enforcement and crisis

team staff will respond together. If the situation is non-urgent, the crisis team will assess the level of intervention required: information and referral, a phone consultation, an emergency room visit or an immediate site visit. When the crisis team makes a site visit, they assess the situation to determine if the person is a danger to themselves or others. Crisis staff may decide that law enforcement needs to intervene, that the person should be seen at the nearest emergency room or that the person should be directly admitted to a psychiatric unit at the nearest hospital. The crisis team or the police officers may decide to order an emergency hold to take the person into custody and transport them to the hospital or other facility. Some mobile crisis teams will transport people to emergency rooms; if they don't and transportation is needed, the crisis team may contact paramedics or law enforcement, request that you provide transportation, or in some communities they use "protected transport."

Protected transport is for someone who is experiencing a mental health crisis. The crisis team can determine that this mode is appropriate. The vehicle cannot be an ambulance or police car, but must have safety locks, a video recorder, a transparent thermoplastic partition and drivers/aides who have received specialized training. This is a more dignified way to transport people with mental illnesses in crisis.

At the hospital, the health or mental health professional may issue an "emergency hold." Emergency holds last for 72 hours each (not including weekends and holidays). The purpose of the hold is to keep the person safe while awaiting a petition for commitment to be filed or while the pre-petition screening team reviews the matter.

An emergency hold doesn't necessarily initiate the commitment process; it's simply a way to assess the individual to determine if commitment is necessary. In order to be committed, the person must have recently: attempted or threatened to physically harm themselves or others, caused significant property damage, failed to obtain food, clothing, shelter or medical care as a result of illness, or be at risk of substantial harm or significant deterioration. (For more information about Minnesota's commitment law, see NAMI's booklet, *Understanding the Minnesota Civil Commitment Process*.)

If the situation is life-threatening or if serious property damage is occurring, call 911 and ask for law enforcement assistance. When you call 911, tell them someone is experiencing a mental health crisis and explain the nature of the emergency and your relationship to the person in crisis. Tell 911 that it is a crisis involving a person with a mental illness and ask that they send an officer trained to work with people with mental illnesses called CIT, Crisis Intervention Team Training. CIT officers are specially trained to recognize and work with individuals who have a

mental illness. CIT officers have a better understanding that a person's behaviors are the result of a mental illness and how to de-escalate the situation. They recognize that people with mental illnesses sometimes need a specialized response, and they are familiar with the community-based mental health resources they can use in a crisis. You can always ask for a CIT officer when you call 911, although there is no guarantee one will be available.

Be sure to tell them—if you know for certain—whether the person has access to guns, knives or other weapons. When providing information about a person in a mental health crisis, always be very specific about the behaviors you are observing. Instead of saying “my sister is behaving strangely,” for example, you might say, “My sister hasn't slept in three days, she hasn't eaten anything substantive in over five days, and she believes that someone is talking to her through her television.” Report any active psychotic behavior, significant changes in behaviors (such as not leaving the house, not taking showers), threats to other people and increases in manic behaviors or agitation, (e.g., pacing, irritability). You need to describe what is going on right now, not what happened a month ago. Be brief and to the point. Finally, in a crisis situation, remember: **when in doubt, back off or go out**. Do not put yourself in harm's way. ■

## LAW ENFORCEMENT RESPONSE

When the law enforcement officer arrives, provide them with as much relevant and concise information about the person as you can, including the individual's:

- ▶ Diagnosis
- ▶ Medications
- ▶ Hospitalization history
- ▶ Previous history of violence or criminal charges

If the person has no history of violent acts, be sure to point this out. Lay out the facts efficiently and objectively, and the officer will decide the course of action.

Remember that once 911 has been called and the officers arrive on the scene, you do not control the situation. Depending on the law enforcement officers involved, they may take the person to jail instead of to a hospital emergency room. Law enforcement officers have broad discretion in deciding whom to arrest, whom to hospitalize and whom to ignore. You can encourage and advocate for the law enforcement officers to view the situation as a mental health crisis. Be clear about what you want to have happen without disrespecting the law enforcement officer's authority. But remember, once 911 is called and law enforcement

officers arrive on the scene, they determine if a possible crime has occurred, and they have the power to arrest and take into custody a person that they suspect of committing a crime.

If you disagree with the officers don't argue—later call a friend, mental health professional or advocate for support and information. Body cameras are now more commonly being worn by police officers. State law is not clear about the privacy rights of the individual being taped. You may ask if the officer is wearing a body camera and ask about confidentiality.

Law enforcement can (and often does) call the county mental health crisis teams for assistance with mental health crises. The crisis team may assist police in deciding what options are available and appropriate. The crisis team may decide to respond with law enforcement. Some law enforcement agencies have specific co-responder teams, which means a mental health professional is embedded in the law enforcement agency to respond to calls. In some cases, the co-responder team responds directly to the crisis call. Because time and resources may be limited for co-responder teams, law enforcement will respond first and then call the co-responder team to the scene after assessing the situation. Some other law enforcement agencies have mental health units made up of officers and social workers. These units are similar to co-responder teams but focus more on following up with individuals after the crisis has subsided. If the original crisis call does not lead to an arrest, these units may engage you and your loved one a few days later and offer you useful resources to connect to treatment and services. ■

## THE ARREST

Most arrests occur when a law enforcement officer has observed a crime or was told by a reliable person that a crime has just occurred. The behaviors of the individual with a mental illness could have been noticed by others in the community or the law enforcement officer directly. It is not always the family member who contacts law enforcement. Again, it is important to remember that law enforcement officers have the power to arrest and take into custody a person they suspect of committing a crime.

It's also important to know that once an officer arrests a person, the officer has the right to search them. If the officer discovers illegal possessions such as drugs or weapons, those charges will be added to the original ones.

Law enforcement officers may use force to make arrests. They are legally obligated not to use excessive force, but they are also trained to gain

control over an arrestee very quickly if they believe that the arrestee has shown any sign of resistance. An arrest can be upsetting to observe. Officers are quick to react to any indication that people near the arrest might hinder or interfere with them. If you are concerned about the way that a person is being arrested, the best thing you can do is to step back and do nothing other than very calmly advise the person to go quietly with the officer. Even this behavior on your part may prompt a negative response from an officer.

Although officers must give you names and badge numbers if you request them, this is often an unwise thing to do in the heat of an arrest. Some officers will treat this question as interference with their work, which is a crime, and may arrest the questioner. You can easily get the identity of the law enforcement officer from the reports the officer must file after the arrest.

**It is never wise to resist in any way officers who have decided to arrest your loved one.** Any issues that arise during the arrest can be addressed by you, your loved one or their lawyer at a later and more appropriate time and place. You can be most helpful to your loved one by remaining calm and advising them to be calm as well. When the situation is under control, most officers are willing to hear about special needs of the person being arrested.

If your loved one is arrested, they may be referred to as an *arrestee* (a person who has been arrested), the *accused* or a *suspect*. These terms mean that the person is suspected of committing a crime and may face charges.

Once a person is arrested, the law enforcement officers will usually take them first to the local police station of the town or city where the arrest occurred. If the town or city is not large enough to have its own police department, the arrestee will be taken to the investigative department of the sheriff in the county in which they were arrested. If the arrest has been for a serious offense, the person will often spend time at the station being questioned. Fairly soon after most arrests, however, the person will be transferred to the local county jail, which is under the control of the county sheriff and the sheriff's deputies.

After a person has been arrested, the officers may decide to issue a citation and release the person. A citation briefly describes the charge and tells the person where and when to go to court to answer it. Law enforcement officers tend to give citations for minor offenses committed by persons who have a place to stay, adequate identification and present no indication that they will continue to offend if released. People who receive citations must obey them or face a warrant being issued for their

arrest. Offer to take as much responsibility as you feel comfortable accepting. If you can promise the person will appear in court, the law enforcement officer may be willing to release them.

Issuing a citation, or what is sometimes referred to as an appearance ticket, rather than keeping the person in custody is generally within the law enforcement officer's discretion. The decision is based on whether the law enforcement officer believes the person will show up for court and will remain law-abiding. If the law enforcement officer releases the person with an appearance ticket, do everything to ensure that the person appears in court on the specified date. If they do not appear on that date, a bench warrant will be issued and a law enforcement officer will rearrest them.

Not all arrests take place when law enforcement officers have observed a crime or were told that a crime has just occurred. Arrests can also occur at the end of an investigation of some event that occurred days or even weeks earlier. Arrests can also occur if a suspect has failed to make a court appearance in response to another charge and a judge has issued a bench warrant for the suspect.

Sometimes, particularly when a warrant has been issued for a suspect, arrangements may be made with an arresting agency to turn the suspect in to the authorities, rather than wait for an arrest to occur. Ordinarily, the county sheriff's office handles such arrangements. Advance notice to the sheriff's office that the suspect has a mental illness may lead to authorities responding more appropriately to the suspect at the time of the surrender. On occasion, particularly for a minor offense, the sheriff's office might advise that the suspect may surrender to the authorities early in the morning, before court convenes, in order to get the accused in front of a judge as soon as possible. This might result in a shortened detention for the individual, since he or she will have shown by surrendering to the authorities that he or she is a good risk for release pending the resolution of the criminal charges.

## **Deadly Force**

If you have a complaint about the behavior of an arresting officer because you believe they acted inappropriately or used excessive force with your loved one, it is best to discuss this with your loved one's defense attorney before taking any action. The circumstances of the arrest might affect the outcome of the case. Write down what happened during the arrest as soon as possible.

Unfortunately, people with mental illnesses are more likely to be victims of deadly force by law enforcement. At the time of this writing,

the Minnesota Bureau of Criminal Apprehension (BCA) has recently created a position called the Victim Family and Community Relations Coordinator. This position was created to offer support, find resources, and help families understand the process of investigating the deadly force case. If your loved one was killed by law enforcement, you can contact the Bureau of Criminal Apprehension at 651-793-7000 to learn about the resources they offer.

The prosecution of law enforcement officers who used deadly force has become a controversial topic in recent years. In July 2020, the Minnesota Legislature passed a law creating an independent investigative unit within the Bureau of Criminal Apprehension to investigate all officer-involved deaths and criminal sexual conduct. Because these incidents are often high profile and attract public attention, the prosecuting attorney may request a grand jury to decide whether to charge an officer. These proceedings can take a long time and may or may not result in the officer being charged.

The decision of the county attorney or grand jury must be based on whether the officer was justified by law in using deadly force, which usually comes down to whether an officer felt threatened for their life in the moment. Another change in the law passed in 2020 raised the standard for when officers may use force. The law states that officers must make special consideration for people with mental illnesses or other disabilities who may not be able to understand or comply with commands from an officer. The law also states that an officer may not use deadly force if a person is experiencing suicidal thoughts, but poses no reasonable threat to anyone else. ■

## THE JAIL

If you are present when the person is arrested, the law enforcement officers can tell you where they are taking the person. But if all you know is that the person was or may have been arrested, finding them can be difficult, unless the individual calls you. For this reason, it is a good idea for your loved one to carry phone numbers of their case managers, family members and advocates at all times.

If the person does not call you, find the location of the jail or courthouse by visiting your county's website. Every county website can be found by typing "co.(county).mn.us." For example, co.ramsey.mn.us. Most counties post their jail's roster online or you can call. You should then call or go to the jail or courthouse and talk to the staff in person. Inmates are registered according their name and date of birth.

Once the person is taken to the jail, they will be searched again and “booked.” This process, which involves fingerprinting, photographing and running a criminal history, can be time-consuming, depending on how busy the jail is. Often, a person who is waiting to be booked has to wait for a considerable time in uncomfortable, sparse conditions. Persons who appear to have mental health symptoms might await their booking in segregation. People who have been arrested have the right to make a phone call only after the booking is complete.

If the person has been arrested for a minor offense, the deputies in the jail may decide to release them immediately if they promise to appear in court at a later date. If they are not released on their promise to appear,

**The Minnesota Freedom Fund is a community-based organization that pays bail for people who cannot afford it. They primarily work in Hennepin and Ramsey counties but have begun expanding in 2020. Visit [minnesotafreedom.org](http://minnesotafreedom.org) for more information if you need help bailing a loved one out of jail.**

they may have a bail set. This means that they can be released until their court appearances if they can pay the bail amount. Once bail has been set, you may contact a bail bondsman. After bail has been posted, your loved one will be released. If they are not released based on their promise to appear or by paying bail, they will need to wait in jail until their arraignment, which is their first opportunity to go before a judge.

Some people may be held in a holding cell at the courthouse

while waiting for their arraignment. These cells are usually very sparse and may be crowded. Access to any medications or health care is extremely limited. The person may be interviewed by a probation officer.

If a person has been arrested for a serious offense, they may be placed on “PC” (probable cause) status with a much higher bail or with no release on bail available at all. Persons on probable cause status are being held while more investigation is being done on their case so that a prosecutor may make a decision whether to charge them with serious offenses. Persons may be kept on this basis for as long as 36 hours past the midnight following their arrests. If the person has been arrested on a weekend or holiday, the 36 hours does not start until 12:01 a.m. of the first business day after the arrest.

When you care about a person who has a mental illness and they are jailed, you have a crisis. Your first priority is to ensure safety and appropriate treatment. In order to be helpful, you must first find your loved one.

### *Ways to help your loved one:*

- ▶ Advocate for their release and/or receipt of a citation or appearance ticket
- ▶ Be present at the arraignment and influence the bail decision
- ▶ Advocate for release with appropriate conditions
- ▶ Notify mental health staff or the nurse at the jail about which medications the person takes
- ▶ Notify jail staff and jail nurse if the person is suicidal. *People who die by suicide in jail usually do so in the first couple of days. Notifying jail staff that an individual may be suicidal could save their life.*
- ▶ If your loved one already has a case manager, notify them. They may be able to connect your loved one to services more quickly upon discharge.

Minnesota law requires jails to conduct a mental health screening of persons being detained. This screening helps to identify suicidal thoughts and other mental health concerns.

## **Mental Health Services and Medications in the Jails**

Minnesota jails provide access to health care services and mental health services. The range of solutions, however, varies greatly from county to county. People may not receive mental health services or medication if they do not ask. Even if the person is identified as having a mental illness, the staff will not have information about treatment needs. You may have important information about your loved one's medication that the jail's medical staff, usually nurses, need. Some jails have limited access to doctors and psychiatrists. If your loved one has a personal psychiatrist, the doctor may be able to see your loved one in jail.

Your first step is to contact the medical staff at the jail, generally the jail nurse. This may be difficult. Jail medical staff may not be willing to talk with you because of confidentiality rules. **If this happens, be polite but persistent.** Say something like:

*"I'm not asking you for any information from you right now. I want to give you information. \_\_\_\_\_ (Name) was arrested and is in your jail. (Name) has a mental illness. Their diagnosis is \_\_\_\_\_, and they take \_\_\_\_\_ milligrams (dose) of \_\_\_\_\_ (medication) and \_\_\_\_\_ milligrams dose of \_\_\_\_\_ (medication) twice a day. Their doctor can be contacted at this number, \_\_\_\_\_. They have a history of suicide attempts. When you speak to them, could you please ask them to sign a release so you can speak to me about their condition? I will call you back tomorrow morning."*

Share whatever information is specific to the person's condition and needs. If they are at risk of suicide, ask that they be put on suicide

watch. This may involve placing them in segregation and may be a very sparse cell. They may be required to wear a “suicide gown” instead of regular clothing.

In most cases, it is possible to bring the person’s medications to the jail. Be sure that the medications are in their original bottles and that the prescription instructions are with the medicines. Try to be in contact with the jail nurse. Jails have an interest in giving their detainees appropriate medications. In most cases, accepting medication for detainees is a matter of jail policy and contributes to general security.

Sometimes even if you bring a medication to the jail, they may not allow it. This is common for medications like Xanax, etc. or sleeping pills. You may want to confirm with the jail that they will give the medication to your loved one before handing it over, so that a large amount of potentially expensive medication does not go to waste.

Your loved one must take the medicine when offered. The jail nurse will not force your loved one to take medication unless it is ordered by the court during a commitment hearing (called a Jarvis hearing). It may still be unlikely, however, that a jail nurse will inject someone with a medication against their wishes.

It is helpful to write down the name and phone number of every person with whom you speak. Consider contacting them regularly to follow up on the information you have shared. You may want to keep a notebook summarizing the conversations. ■

## ARRAIGNMENT

The arraignment is the first time during the criminal process when a defendant sees a judge. **It has two purposes: 1) to tell the arrestee what crimes are being charged and 2) to decide the conditions of release.** In addition, if a defendant appears without a lawyer, the judge will ask questions to see if a public defender should be appointed. If the defendant does not qualify for a public defender and they want to hire an attorney, they are usually given another court date so that they can appear with an attorney. You will note that the person is now called a *defendant*.

If the defendant is in custody, the arraignment usually takes place within 36 hours of the arrest, beginning at midnight of the day the person was arrested, excluding weekends and holidays. This means if the person was arrested during the day on Thursday, the 36-hour period does not begin until midnight on Thursday night. Saturdays, Sundays

and holidays are not included in the 36-hour period, so the person may not get into court until Monday. To find where the arraignment will take place, call the jail or clerk of court in the county where your loved one is being held. These phone numbers can be found on the county website. To identify your loved one's case, you will need their full name and date of birth.

Arraignments can have many different outcomes, with some of the common ones being:

## **Continuance Without Plea**

The defendant may be offered a continuance for dismissal by the prosecutor if the offense is minor enough. This means that an appearance will be put off, usually for six months to a year, during which the defendant must follow certain conditions (such as taking medications, going to treatment, not drinking alcohol, staying in touch with their probation officer, making restitution to victims, paying courts costs or costs or prosecution) and be law-abiding. If the person follows the conditions, the charges will be dismissed. If the person doesn't follow the conditions, charges can be refiled and the process will start all over again. Defendants charged with some more serious offenses may receive a continuance (if the prosecutor agrees), but generally the conditions are stricter and involve a "pretrial diversion program."

## **Plead Guilty**

The defendant may enter a guilty plea. Ordinarily, defendants do not plead guilty to serious cases at the arraignment. Regardless of the seriousness of the charge, guilty pleas usually happen after a deal has been made with the prosecutor about a shorter sentence or dismissing charges. After the guilty plea, the judge will either sentence the defendant immediately or direct the defendant to be interviewed by a probation officer (presentence investigation), who will then give information to the judge to take into account before sentencing.

## **Plead Not Guilty**

The defendant may enter a not guilty plea for charges that are petty misdemeanors or misdemeanors, and be told by the court when to return for future appearances. When the charge is a serious offense (felonies, most gross misdemeanors), defendants are not asked to plead at the arraignment. The court sets future appearances for this.

## Case Dismissed

If the prosecutor has not filed charges against the defendant, the judge will dismiss the case and release the defendant from jail unless the prosecutor asks for more time to investigate the case. If the case is dismissed because charges are not filed, it is always a good idea to make sure that the prosecutor has a good address for the defendant so if new charges are filed, the defendant can be notified by mail rather than by being arrested.

If the case does not end at arraignment, the judge will decide whether or not to impose conditions of release. This may occur even if the defendant is not in custody and has come to court for the arraignment. Conditions of release may mean staying away from a victim (see *No Contact Orders* below), submitting to a chemical dependency or psychological evaluation, maintaining a residence with relatives or other responsible parties, taking medications or anything else the judge believes will help the defendant remain law-abiding and come to court when ordered. In addition, the judge can order bail to be posted before the defendant can leave jail.

The arraignment can be a frustrating experience. The wait may be lengthy, sometimes all day and your loved one may only get to speak to their public defender for a few minutes before going before the judge. A schedule of the arraignments for that day may be posted outside the courtroom. There may be no one readily apparent who can answer questions or provide assistance. Family members must be prepared to seek and ask for help. The person in court most likely to be able to help is the court clerk, who sits near the judge in the courtroom, but they are usually very busy preparing for court to be in session and may not have or take time to answer many questions right away.

If a defendant is released, they will be able to go home after the jail has processed them out. If the judge requires bail, the attorney, court officer or clerk can explain to the defendant and their family how to post bail or to purchase a bond instead of providing the whole bail amount. You may be able to help your loved one be released or lower the bail if you can show that they have a place to stay and have help to return to court. Try to talk to the defense attorney about this. A defendant must satisfy all of the conditions set by the court before they will be released. It is important to note that it can take a while for a case to go to trial, so trying to get them released can be very important.

Ramsey, St. Louis (Duluth), and Hennepin counties have mental health courts. These courts are established specifically for individuals with mental illnesses who end up in the criminal justice system. Mental

health courts typically hear offenses where the person has a documented or suspected mental illness. The person, if they agree, is referred to the court by the public defender and the prosecuting attorney. The judge has several options, such as pre-plea diversion in which charges are dismissed if the person satisfies certain conditions; post-plea diversion in which the guilty plea is reduced or dismissed if the person satisfies certain conditions; or a probationary sentence in which the person must satisfy certain conditions instead of being placed in jail. It is important to note that a person must plead guilty to use a mental health court.

Some counties have special projects or work with nonprofits to offer pre-trial services. Ramsey County uses Project Remand, a private, nonprofit organization that offers alternatives to jail. For example, they will conduct an evaluation for conditional release, screen for alcohol problems, monitor for psychological treatment and help with employment, among other things. Staff from these programs may also be very helpful in answering questions and providing support. More counties have problem-solving courts involving substance use or for veterans.

## **No Contact Orders**

In some arraignment cases, the judge may issue a no contact order. A no contact order is a court order protecting a person or place (a particular business or address) from a defendant. No contact orders are often issued when a defendant is charged with harming another person in some way.

If a no contact order is issued to your loved one, try to help them understand and comply with the order. If the order is violated, your loved one risks serious consequences. Though your loved one may disagree with the order, they should not ignore it. ■

## **DEFENSE ATTORNEYS**

Every person accused of a crime has the right to be represented by an attorney. Either you or your loved one can hire a criminal defense attorney. If the person cannot afford an attorney, the court will appoint a public defender. Private attorneys can become involved at any time—even before the arraignment. A public defender is appointed at the person's first appearance before the court.

## Public Defenders

The court appoints a public defender attorney if it determines that the defendant cannot afford to hire a private attorney. A person can request at any time that a public defender be appointed, but this is usually done at the first court appearance. Once the court agrees, the local chief public defender decides which public defender will handle the case. The defendant usually does not get to choose which public defender will handle their case.

There are also four public defense corporations in Minnesota: the Legal Rights Center in Minneapolis, the Neighborhood Justice Center in St. Paul, White Earth Defense Corporation, Regional Public Defense Corporation and Indian Legal Assistance Program. They serve specific communities and are available to people who cannot afford an attorney. You can access their websites through the State of Minnesota Board of Public Defense website.

If your loved one is assigned a public defender, it may be challenging to find out who that person is. Your loved one may be able to tell you this information. Sometimes, the system is so confusing that a defendant can go through the process, be released or sent to jail without even knowing who represented them. Finding the defense attorney is possible with a little detective work. The clerk of courts may have that information. The court records will either include a certificate of representation, if your loved one has a private attorney, or the identity of the public defender. Generally, the public defender is named at the arraignment. See the table, “Public Defender Offices in Minnesota,” to find the public defender’s office for the county where your loved one is being prosecuted.

Public defenders are hard-working, dedicated attorneys. It is important, however, to understand that public defenders work with very limited resources, including insufficient funding and excessive caseloads. Try to be patient but persistent.

<b>Public Defender Offices in Minnesota</b>		
<b>JUDICIAL DISTRICT</b>	<b>COUNTIES REPRESENTED</b>	<b>CONTACT INFORMATION</b>
<b>First District Management Office</b>	Dakota and support for Goodhue, Carver, Le Sueur, McLeod, Scott, Sibley	919 Vermillion St, Suite 200 Hastings, MN 55033 Phone: 651-480-0122 Fax: 651-480-0121
<b>First District—Chaska Satellite Office</b>	Carver, Scott and support for Le Sueur and McLeod	207 N Chestnut St Suite 201 Chaska, MN 55318 Phone: 952-361-3810 Fax: 952-448-4924
<b>First District—Red Wing Satellite Office</b>	Goodhue	454 W 6th St Red Wing, MN 55066 Phone: 651-480-1022 Fax: 651-267-4983
<b>Second District Management Office</b>	Ramsey	101 5th St E, Suite 1808 St. Paul, MN 55101 Phone: 651-757-1600 Fax: 651-215-0673
<b>Second District—Maplewood Satellite Office</b>	Ramsey	2050 White Bear Avenue N Suite 151 Maplewood, MN 55109 Phone: 651-266-1991 Fax: 651-266-1994
<b>Third District Management Office</b>	Dodge, Fillmore, Houston, Olmsted, Wabasha, Winona	400 South Broadway Suite 204 Rochester, MN 55904 Phone: 507-285-7370 Fax: 507-285-7275
<b>Third District—Owatonna Satellite Office</b>	Dodge, Freeborn, Mower, Rice, Steele, Waseca	135 West Main Street, Suite E Owatonna, MN 55060 Phone: 507-455-5887 Fax: 507-455-5891
<b>Third District—Winona Satellite Office</b>	Houston, Wabasha, Winona	166 West Third Street Suite 201 Winona, MN 55987 Phone: 507-474-6440 Fax: 507-474-4464
<b>Fourth District</b>	Hennepin	701 4th Ave S, Suite 1400 Minneapolis, MN 55415 Phone: 612-348-7530 Fax: 612-348-6179

## Public Defender Offices in Minnesota

JUDICIAL DISTRICT	COUNTIES REPRESENTED	CONTACT INFORMATION
<b>Fifth District Management Office</b>	Blue Earth, Brown, Nicollet and Watonwan	12 Civic Center Plaza, Suite 2070 PO Box 1059 Mankato, MN 56002 Phone: 507-389-5138 Fax: 507-389-5139
<b>Fifth District—Fairmont Satellite Office</b>	Faribault, Jackson, Martin and Watonwan	210 East Third Street Fairmont, MN 56031 Phone: 507-432-2088
<b>Fifth District—Marshall Satellite Office</b>	Lincoln, Lyon, Pipestone and Redwood	601 Jewett St, Suite A Marshall, MN 56258 Phone: 507-537-6062 Fax: 507-537-6857
<b>Fifth District—Worthington Satellite Office</b>	Cottonwood, Murray, Nobels and Rock	1010 2nd Ave, Second Floor Worthington, MN 56187 Phone: 507-372-7100 Fax: 507-372-7102
<b>Sixth District Management Office</b>	Carlton, Cook, Lake, St. Louis	1400 Alworth Building 306 W Superior St Duluth, MN 55802 Phone: 218-733-1027 Fax: 218-733-1034
<b>Sixth District—Hibbing Office</b>	Northern St. Louis	302 Howard Street Suite 327 Hibbing, MN 55746 Phone: 218-535-7001 Fax: 218-535-7005
<b>Seventh District Management Office</b>	Benton, Mille Lacs, Morrison and Stearns	816 W Saint Germain St, Suite 410 St. Cloud, MN 56301 Phone: 320-255-3753 Fax: 320-255-3952
<b>Seventh District—Moorhead Satellite Office</b>	Becker and Clay	715 11th St N, Suite 404 Moorhead, MN 56560 Phone: 218-236-3893 Fax: 218-236-4020
<b>Seventh District—Fergus Falls Satellite Office</b>	Douglas, Otter Tail, Todd and Wadena	309 S Mill St, Suite 101 Fergus Falls, MN 56537 Phone: 218-739-7467 Fax: 218-739-7304

## Public Defender Offices in Minnesota

JUDICIAL DISTRICT	COUNTIES REPRESENTED	CONTACT INFORMATION
<b>Eighth District Management Office</b>	Big Stone, Chippewa, Grant, Kandiyohi, Lac Qui Parle, Meeker, Pope, Renville, Stevens, Swift, Traverse, Wilkin, Yellow Medicine	432 Litchfield Ave SW Willmar, MN 56201 Phone: 320-231-6064 Fax: 320-231-6065
<b>Ninth District Management Office</b>	Beltrami, Clearwater and Hubbard	619 Beltrami Avenue NW, Suite 240 Bemidji, MN 56601 Phone: 218-755-4333 Fax: 218-755-4335
<b>Ninth District—Brainerd Satellite Office</b>	Aitkin, Cass and Crow Wing	416 S 6th Street Suite 100 Brainerd, MN 56401 Phone: 218-828-6134 Fax: 218-828-6137
<b>Ninth District—Crookston Satellite Office</b>	Mahnomen, Marshall, Norman and Polk	101 N Broadway Crookston, MN 56716 Phone: 218-281-6065 Fax: 218-281-6068
<b>Ninth District—Grand Rapids Satellite Office</b>	Itasca and Koochiching	204 NE 3rd Street Grand Rapids, MN 55744 Phone: 218-327-4184 Fax: 218-327-4372
<b>Ninth District—Thief River Falls Satellite Office</b>	Kittson, Lake of the Woods, Pennington, Red Lake and Roseau	208 LaBree Avenue North, Suite 102 Thief River Falls, MN 56701 Phone: 218-681-0952 Fax: 218-681-0954
<b>Tenth Judicial District</b>	Anoka and Sherburne	433 Jackson St, Suite 120 Anoka MN 55303 Phone: 763-422-3350 Fax: 763-422-3592
<b>Tenth District—Buffalo Satellite Office</b>	Wright	105 Center Drive Buffalo, MN 55313 Phone: 763-682-4306 Fax: 763-682-6772
<b>Tenth District—North Branch Satellite Office</b>	Chisago, Isanti, Kanabec and Pine	38986 14th Avenue North Branch, MN 55056 Phone: 763-689-7070 Fax: 763.201-8078

## Public Defender Offices in Minnesota

JUDICIAL DISTRICT	COUNTIES REPRESENTED	CONTACT INFORMATION
<b>Tenth District— Stillwater Office</b>	Washington	1825 Curve Crest Blvd Suite 202 Stillwater, MN 55082 Phone: 651-351-3700 Fax: 651-439-4128
<b>Appellate Office</b>  The Appellate Office provides constitutionally mandated services to indigent Minnesotans who appeal their criminal cases to the Minnesota Court of Appeals and Supreme Court; or who pursue post-conviction proceedings in the District Courts throughout the state, and to defendants in supervised release/parole revocation proceedings.	All	540 Fairview Avenue N Suite 300 St. Paul, MN 55104 Phone: 651-201-6700 Fax: 651-643-2148
<b>Administrative Services Office</b>		331 2nd Ave S, Suite 900 Minneapolis, MN 55401 Phone: 612-349-2565 Fax: 612-349-2568

## Public Defense Corporations in Minnesota

ORGANIZATION	COUNTIES SERVED	CONTACT INFORMATION
<b>Indian Legal Assistance Program</b>	Aitkin Carlton, Cook, Crow Wing, Lake, Mille Lacs, Morrison, Pine, St. Louis, Bois Forte Tribal Court, and Fond du Lac Tribal Court	Indian Legal Assistance Program 312 W Superior Street Duluth, MN 55802 Phone: 218-727-2881 Fax: 218-720-6438 Toll Free: 888 249-3205
<b>Legal Rights Center</b>	Hennepin	Legal Rights Center 1611 Park Avenue South Minneapolis, MN 55404 Phone: 612-337-0030 Fax: 612-337-0797 Email: <a href="mailto:office@legalrightscenter.org">office@legalrightscenter.org</a>

<b>Public Defense Corporations in Minnesota</b>		
<b>ORGANIZATION</b>	<b>COUNTIES SERVED</b>	<b>CONTACT INFORMATION</b>
<b>Neighborhood Justice Center</b>	Dakota, Ramsey, and Washington	500 Laurel Avenue St. Paul, Minnesota 55102 Phone: 651.222.4703 Fax: 651.925.0112 Email: info@njcinc.org
<b>Regional Native Public Defense Corporation</b>	Becker, Beltrami, Cass, Clearwater, Itasca, Mahnommen, Leech Lake Tribe, and White Earth Tribe	<i>Leech Lake Office</i> 232 2nd Street NW PO Box 487, Cass Lake MN 56633 Phone: 218-339-5680 Fax: 218-339-5686  <i>White Earth Office</i> Located at the RTC Building 35500 Eagle View Road PO Box 290, White Earth MN 56591 Phone: 218-983-3285 Fax: 218-983-3269

## **Criminal Defense Attorneys**

People who have enough income to hire a defense attorney will be required by the court to do so. However, those who qualify for a public defender should be cautious about going into debt to hire an attorney. Families should carefully consider their options before going into debt to hire an attorney.

It is very important to find an attorney who is experienced and effective. You can contact the Minnesota State Bar Association at [helpdesk@mnbar.org](mailto:helpdesk@mnbar.org) (617-333-1183) to verify that an attorney specializes in criminal cases. Some attorneys specialize in criminal defense and work extensively with defendants with mental illnesses. These attorneys have the expertise to handle the problems unique to people with mental illnesses. If you hire an attorney, make sure that criminal defense work is one of their specialties.

The Minnesota Lawyers Professional Responsibility Board (1-800-657-3601) can give you information on whether an attorney has had complaints or reprimands. You can search for an attorney's record on the Internet at [lprb.mncourts.gov/lawyersearch/default.aspx](http://lprb.mncourts.gov/lawyersearch/default.aspx).

## Other Options

A defendant has the right to act as their own attorney, which is called pro se representation. This is allowed only if a judge determines that the defendant is competent to do so. This is rarely a good idea in felony cases or any cases involving jail time.

## Working with an Attorney

The best way to find out what is happening with the case is to work with the defense attorney. Often the most accessible person will be the attorney's law clerk or legal secretary. They can relay information from you to the attorney.

There are two reasons you may want to consider contacting the defense attorney:

- 1. THEY MAY HAVE INFORMATION THAT YOU WANT.** The defense attorney is the only person in the criminal justice system who has direct contact with the defendant who knows the defendant's version of the facts leading to arrest and what is likely to happen. They also have the law enforcement officer's and/or victim's versions of what happened. The defense attorney will also know what the defendant wants to do (e.g., plead guilty or go to trial) and whether they are interested in receiving mental health and/or drug treatment. The defense attorney is your best source for information about the case.

The defense attorney will not be able to talk to you about some aspects of the case, since they are required by law to keep a confidential relationship with their client. If you want to talk with the attorney about such information, ask your loved one to give consent to their defense attorney to talk to you about confidential matters.

- 2. YOU MAY HAVE INFORMATION THE ATTORNEY NEEDS TO HELP THE DEFENDANT.** The defense attorney probably knows little about the defendant's psychiatric diagnosis and history.

Even if the defendant has told the defense attorney that they have a mental illness, the defense attorney may not have talked to their client's mental health providers. By contacting the defense attorney, you have the opportunity to inform them about your loved one's mental health history.

## Talking to the Defense Attorney

Once you reach the defense attorney, be brief. Do not tell the defendant's whole story.

*Relevant facts to share:*

- ▶ Information about their mental illness, recent hospitalizations, medication and treatment
- ▶ Contact information for their psychiatrist and mental health case manager
- ▶ Witnesses of the event
- ▶ Brief information about what stressors might have been happening in their life at the time of the offense
- ▶ The individual's criminal history
- ▶ Support systems and help available to the defendant in the community

It is a good idea to practice sharing your story before calling. Tell the attorney or clerk who you are calling about and that you have important information. Let the attorney ask you questions, and answer them. Avoid jargon. Do not hesitate to politely ask the attorney to explain any legal terms you don't understand.

Another option is to provide the pertinent information in writing, especially since the attorney probably does not have much time for phone calls. This way, you can ensure the attorney will have the information if you are not able to get through to them by phone.

Once you have established contact with the defense attorney, it is a good idea to call them a day or two before your loved one's court date. The attorney can inform you whether the hearing has been postponed and what they expect to happen that day.

## Talking to Other Individuals in the Criminal Justice System

You should not talk to the judge on your own unless you have the consent of the defense attorney. You may have the opportunity to address the judge in person on a court date, but you should do so only with the defense attorney's approval.

Do not talk to the prosecuting attorney without the defense attorney's consent. Information you think will help the defendant may be harmful in the hands of a prosecutor. However, the prosecutor also may understand that your loved one has a mental illness and work with the defense attorney. Your loved one's defense attorney should be the one to speak directly with both the prosecuting attorney and the judge.

## Changing Attorneys

The only person who may request a different attorney is the defendant. No matter how unhappy family members are with an appointed attorney, they cannot fire the attorney. The attorney represents the defendant only. Even if the attorney is hired and paid for by the family, the attorney's responsibility is to act on the defendant's wishes. That means that if the defendant tells the attorney not to talk to loved ones, the attorney may not talk to them. If the defendant makes choices that are not in their best interest (e.g., refusing a generous plea bargain offer), the defense attorney must obey the client's wishes.

If the defendant is unhappy with an appointed attorney, they can request that the attorney be "relieved" from the case and a new attorney be appointed. The defendant must tell their attorney they want to do this, and the attorney will then tell the judge on the next court date.

Judges, however, rarely grant a request to assign a new attorney. A judge may deny a request because they feel the attorney is competent or that it would take a new attorney too long to become familiar with the case. If the defendant has already made the same request and did receive a new attorney, the judge may deny a second request because it is unreasonable. An attorney may also request to be relieved from representing a particular client, but this is rare. ■

## WARRANTS

Generally, a warrant is issued for a person's arrest if they commit an offense or violate a judge's order.

### *Examples of violations:*

- ▶ Fail to appear on a scheduled court date
- ▶ Do not pay a fine
- ▶ Do not complete community service as ordered by the court
- ▶ Leave treatment when it has been ordered by the judge
- ▶ Do not follow a condition set by the judge for release from jail

The warrant will likely be issued the same day as the missed court date or within days or weeks of not following the judge's order. You should first make sure there really is a warrant. Call the court where the person thinks they were supposed to have appeared or was sentenced. Ask whether there is a warrant. You should not need to disclose the defendant's whereabouts. If someone asks you, explain that the defendant plans to deal with the warrant. Ask when and where they should appear. If the court does not track warrants, the county sheriff should.

Ask the court how to reach that office. Be sure to contact the defense attorney. The defense attorney who represented the person when the warrant was issued may be able to help clear up the warrant. Call the attorney, explain there is a warrant and tell them if the defendant has a good excuse. The attorney should tell you when and where to go, and they may be able to meet you there.

Remember, it is not only the warrant that is pending but also the reason for the warrant. So, if criminal charges were pending, the defendant may face possible conviction. If the defendant did not successfully complete a probationary sentence, they will be resentenced.

If you can't reach the defense attorney or they cannot help clear up the warrant, help your loved one respond to the warrant. Gather as much specific information about where you should appear and when from the sheriff's deputy who holds the warrant or from the court that issued it. Sometimes a defendant will have to go back to jail before seeing a judge. Sometimes a defendant will be given instructions to go to a specific court where the judge will decide whether they can remain free or go to jail.

If you have the option of going to court, show up early and explain to the court officers that you want to clear up a warrant. You will be directed to a specific courtroom. When you arrive, if you have not arranged to meet the defense attorney, you should ask a court officer or attorney whether an attorney is there who can "stand up" for the person when the case is called. If an attorney can help, explain any excuse the person has for the warrant. Be prepared for a long wait. Clearing up a warrant can take all day. Even though it may feel like a waste of time, the presence of an advocate can make all the difference—often between jail and a second chance.

It is very important to clear up a warrant. Someone with a warrant for their arrest is unlikely to be able to ignore it forever. How aggressively law enforcement officers track down outstanding warrants varies. It is possible that the law enforcement officer will arrive the evening the warrant was issued to arrest that person. Generally, law enforcement officers put more effort into finding people with outstanding warrants who are charged with serious offenses. Even if the law enforcement officer does not arrive at the door, the warrant still exists and will reappear if the person has another encounter with police. Warrants do not disappear on their own, and there is no time limit on how long a warrant exists.

Even if a person is 100% confident that they will never have another encounter with the police, there is another good reason to clear up a warrant. In recent years, the Social Security Administration (SSA) has

begun checking individual applicants to confirm whether they have outstanding warrants for felonies. If SSA finds out someone has a warrant, they send a letter stating that because this person is a “fugitive,” they will no longer receive Supplemental Security Income (SSI) and that benefits cannot be reinstated until the warrant is cleared up. Cases have even occurred in which SSA has demanded that persons with outstanding warrants pay back all benefits received while the warrant was in effect.

There is one more reason for clearing up a warrant: stress. As long as someone has a warrant out for their arrest, they are considered a fugitive, no matter how minor the offense. The reality is that sometimes the stress of worrying about a warrant is worse than the actual consequences of clearing it up.

When a defendant voluntarily returns to court to deal with a warrant, the outcome depends on a variety of factors—mainly whether the person has an excuse and how old the warrant is. If there is a persuasive excuse—the defendant was in a psychiatric hospital or a social worker is able to verify that the defendant was psychiatrically disabled—or if the warrant was issued only a couple of days ago, the defendant may not be in additional trouble. In this situation, the defendant will likely be required to follow through with their prior sentence, such as show up for court, pay a fine or complete community service.

If it is impossible for the defendant to do this, explain the situation to the court. It is helpful to bring a letter from the defendant’s treatment provider or case manager. If you are unable to appear in court, giving the defendant a letter to show the judge is better than nothing, but being there in person is the best option. If the defendant does not have a good explanation for the warrant, they are likely to be in more trouble than before the warrant was issued, particularly if more than a couple of days have passed. “More trouble” could mean the defendant may have to pay bail or wait in jail before going to court, or they may be sentenced to jail time, rather than paying a fine or doing community service or both. A person will usually be in less trouble if they voluntarily clear up a warrant than if a law enforcement officer must bring them in. Judges are impressed when a defendant shows responsibility.

Deciding to clear up a warrant is a difficult and stressful decision. The only one who can decide is the person subject to the warrant. The best thing you can do for a loved one with a warrant is to help them understand the options and consequences. Explain how you can help if they decide to clear up a warrant, and give them time to decide.

Probation and parole officers also have the power to issue a warrant (either directly or by asking a judge) if a person under their super-

vision fails to report or comply with probation or parole conditions. It is difficult to determine when a warrant will be issued for a probation or parole violation. It may be immediately with parole or may take months with probation.

If your loved one believes that they have a warrant for a probation or parole violation and wants to clear it up, call the probation or parole officer. Ask whether a warrant was issued and try to prevent its issuance if that hasn't already happened. Even if a warrant has been issued, try to convince the officer to give the person another chance. In this situation, the person is more likely to stay out of jail if they have an advocate. ■

## **PLEA BARGAIN**

Most criminal cases never go to trial. Typically, the attorneys work out a deal beforehand, often on the day of the trial. This agreement is called a plea bargain and can entail a probationary sentence, a certain number of months in jail or prison, community service or even treatment. For people with mental illnesses, community service or treatment is preferable to being incarcerated. ■

## **RULE 20 PROCEEDINGS**

You will hear people talk about Rule 20 Proceedings. This phrase refers to the Minnesota Rules of Criminal Procedure and Rule 20 is specifically about people living with mental illnesses or cognitive impairments. Rule 20.01 looks at the defendant's competency to stand trial. Rule 20.02 looks at whether the defendant was criminally responsible at the time of the offense. If your loved one has a public defender or has hired an attorney, let the attorney know your concerns about your loved one's mental health.

### **Rule 20.01 Competent to Stand Trial**

A person who has been charged with a crime must be found competent in order to stand trial or resolve their charges. Competent means the defendant can consult with their attorney, understand what is happening in court, and participate in their defense against the charges. If either the prosecuting attorney or the defense attorney doesn't believe the defendant is competent then the attorney files a motion with the court. If the court finds reasons to doubt the defendant's competency due to a mental illness or cognitive impairment, the criminal case is suspended.

For misdemeanor charges, the court has the option to dismiss the case immediately or to continue the case by ordering a competency examination. In gross misdemeanor and felony cases, if there is probable cause to charge the defendant with a crime, the court must order a competency examination.

*The examination:*

- ▶ must be completed within 60 days
- ▶ may take place on an out-of-custody basis (outside the jail)
- ▶ may take place in the jail
- ▶ may take place in a hospital when clinically indicated
- ▶ must be done by a court appointed psychiatrist or psychologist, called a “court examiner.”

Both the prosecuting and defense attorney may hire their own examiner and have them present at the examination conducted by the court appointed examiner. ,

*Contents of the examination report:*

- ▶ A diagnosis of the defendant’s mental condition
- ▶ An opinion about the defendant’s ability to understand the criminal proceedings and to participate in their own defense
- ▶ Recommendations for treatment
- ▶ An estimate of the likelihood that the defendant will eventually become competent
- ▶ The factual basis for these opinions

The examination report is given to the judge, prosecutor, and defense attorney. If the judge finds the defendant competent, the criminal case will continue. If an attorney objects to the judge’s finding, a hearing is held to make a final decision.

If the judge finds the defendant incompetent in a misdemeanor case, the charges are dismissed. If the defendant is found incompetent in a gross misdemeanor or felony case, the charges are suspended.

It’s important to note at this point that the only purpose of the competency examination is to find out if the defendant can continue their criminal trial. Although your loved one may be placed in a hospital for their examination, that treatment is meant primarily to keep a person in a secure place and is not meant to be long term mental health treatment.

- ▶ Once the defendant is found incompetent to stand trial, the civil commitment process starts. Civil commitment is when the court orders a person into involuntary treatment for a mental illness. The first step in the process is called “prepetition screening” where a team of people provide an impartial and in-depth clinical assess-

ment of a person to assess if they meet the commitment criteria. The prepetition screening team should talk to family members.

- ▶ After reading the prepetition screening report, if the county attorney decides to pursue commitment, a case is opened in civil court. This means that the defendant will go through a new court process with a different judge, prosecutor, and county appointed attorney than they did in criminal court.
- ▶ If the defendant does not meet the standard to be civilly committed, they may be returned to the community or to the jail depending on the nature of their charges.
- ▶ If the defendant is civilly committed and in jail, they must be admitted to a program operated by the Minnesota Department of Human Services (DHS) within 48 hours of the court's order. People committed from jail will either be placed in the Anoka Metro Regional Treatment Center (AMRTC) or the Forensic Services in St. Peter. In addition to treating the defendant, DHS will teach the defendant about the court process, their charges, and how to work with their attorney for their defense. The time it takes to restore a person's competency will vary for each person. In some cases, a person's competency may never be restored due to the nature of their cognitive impairment.
- ▶ DHS must report at least every six months to the courts regarding the defendant's condition and competency to stand trial. At any time, the court can conduct a hearing on the defendant's competency. There is no limit on the number of these hearings. A defendant cannot enter a plea or be tried or sentenced for any crime while they are still incompetent to stand trial.

While a defendant remains incompetent to stand trial, the county attorney with the criminal case may file a "notice of intent" that they still want to charge the person with a crime. If the prosecutor does not file a notice of intent and the defendant does not regain their competency, felony charges (except for murder) will be dismissed in three years, and gross misdemeanor charges will be dismissed in one year. A defendant will receive "credit" or "time served" for any time they stay confined in the hospital or jail while they wait to be restored to competency. This credit will be applied to the defendant's sentence if they are convicted.

It's possible that a person may not meet the standard of civil commitment and not be competent to stand trial. These individuals are referred to as "gap cases" because they are incompetent to stand trial but can't be forced into treatment. Depending on the charges, they may just be released back into the community.

Even if a person is civilly committed, they may be discharged from the hospital before they regain their competency to stand trial because they do not meet the standard of medical necessity to stay in the state operated program. When a defendant is discharged from the hospital by DHS, they receive a treatment plan and connection to a provider in the community. However, if they still need competency education, there may be no place or program in the community for them to receive it. Currently, few community providers in Minnesota offer competency restoration education.

If your loved one is found incompetent to stand trial, one of the most important things you can do is try to connect them to treatment. If they are being held in jail, continue to advocate for them to access treatment, and stay in contact with their defense attorney. It is against the law for a person to sit in jail if there is no effort being made to restore them to competency. Being an advocate for your loved one in this situation can be very important.

## **Rule 20.02: Mental Illness Defense**

Minnesota law sets the standard to determine if a defendant with a mental illness should be held criminally responsible for an offense. In Minnesota, the mental illness defense, or what is commonly called the “insanity defense,” is also referred to as the M’Naghten test. This test was named after a defendant who was tried for murder in England, in 1843 and judged not guilty by reason of mental illness or cognitive impairment.

The standard is that the defendant’s mental illness was so serious *at the time* of the offense that the defendant did not know the nature of the act or that it was wrong. It is important to note that this a very high standard and is not used very often by defendants. The standard requires a significant cognitive incapacity. Someone experiencing hallucinations, a thought disorder or delusional thoughts does not automatically meet the standard. The mental illness must directly interfere with the defendant’s understanding of the offense at the time the offense was committed and that it was wrong.

Many defense attorneys are reluctant to use this defense, in part due to the high threshold to be found not guilty, but also because a successful defense immediately triggers a civil commitment proceeding (except in very rare cases where the court is willing to waive it). If civilly committed, the defendant may be held in a secure treatment facility for longer than the prison sentence would have been if the defendant had been found guilty. ■

## THE TRIAL

If your loved one's case ends up going to trial, it is important for you to be present in the courtroom. You must be quiet. You are not allowed to talk to the person if they are in custody, and you are not allowed to speak to the judge, jurors and often the attorneys. Your presence can help the person feel supported in what is often a scary experience. Also, your presence lets the jury know that this individual is more than just a defendant, that they are part of a family and a community. ■

## SENTENCING: TREATMENT

If the person you love is at risk of going to jail or prison, you may want to advocate for treatment. Increasing numbers of defendants, even some charged with serious crimes, have the option to enter treatment rather than prison or jail. But you will need to get the attorneys and the judge to agree.

The defense attorney must protect the legal rights of their clients, usually by minimizing consequences or avoiding consequences altogether. Some defense attorneys may not believe that helping a client into treatment is their responsibility; however, many are happy to consider their clients' treatment needs when the treatment is preferable to the sentence that would otherwise be imposed. Treatment may not always be considered, especially when a defense attorney has an opportunity to quickly remove the client from the criminal justice system. If the defense attorney thinks that treatment is not appropriate, given the seriousness of the offense, or that the defendant will not succeed, they are not likely to pursue treatment as an option. If a defendant has a choice between two weeks in jail or a four-month treatment program and they decide to enter the treatment program, they may face consequences by the court if they fail to complete the treatment. Some attorneys may think that a civil commitment (six months) is a much worse option than a few weeks in jail. Some defendants may prefer to be in jail than in treatment.

The prosecuting attorney may not agree to treatment due to public safety concerns. They will look at how likely it is that the person will reoffend, the violent nature of the act and even the amount of publicity the case generated.

Family members are often looking after the person's best long-term mental health interests. They may be frustrated that the defendant must commit a serious offense before the criminal justice system helps. Sometimes family members feel that intervention through the criminal justice system is the only way to help a person into treatment. Avoiding jail or prison may be preferable because people with mental illnesses who go to jail are

more likely to be victimized and mistreated than individuals who do not have a mental illness. You can use your knowledge to convince the judge, prosecutor and others that this person would benefit from treatment and that there are treatment programs capable of helping them avoid reoffending. Work with the defense attorney to do this.

Minnesota law (Minnesota Statute 609.1055) states that if a defendant with serious and persistent mental illness will be committed to the Department of Corrections (prison) for more than one year, the court may instead place the defendant on probation and require that the person successfully complete treatment. This standard generally applies to defendants who have committed felony offenses. The definition of mental illness used here is the one used in the adult mental health act [Minnesota Statutes 245.462, subdivision 2099(c)]. This is a departure from the sentencing guidelines and is at the discretion of the judge at sentencing or when the individual's probation has been revoked.

Typically, unless treatment has been ordered as a condition of pretrial release, the person must plead guilty before they are released to the program. The defendant must successfully complete the program as a condition of staying out of jail. They are required to comply with the program and regularly report to a probation officer or the court. If the defendant leaves the program, refuses to take medication, uses illegal drugs or otherwise does not cooperate with treatment, the treatment program will notify the probation department or the judge. In this case, the judge may give the person another chance or may sentence them to jail or prison—perhaps for an even longer sentence. If your loved one is sentenced to treatment, make sure they understand the consequences of failing to go to treatment.

If your loved one is currently receiving supervision from a probation agent or a parole agent and is facing either new charges or revocation, the supervising agent can be a valuable ally in persuading the court to accept a treatment option. Often family members can establish good working relationships with supervising agents. Since the agent has prolonged contact with the client, the court often considers the agent's recommendations very seriously. If they believe that chemical dependency also was related to the offense, they can ask for a Rule 25 (chemical dependency) evaluation.

## **Treatment Programs**

Sometimes the most challenging part is finding a treatment program that will accept the person. Often, for serious charges, the judge and/or prosecutor will insist that the defendant go to a residential treatment

program. However, there are not enough residential treatment beds in Minnesota, and the application process for these programs is complicated. Many programs will not accept people straight from jail. You and the defense attorney will need to find someone (usually a case manager) who can process the application to help the defendant enter a program. Most defense attorneys' offices have their own social workers, called dispositional advisors, who can help explore programs. Otherwise, the social worker may work for the court or be part of a community agency providing this service.

Even when a social worker or case manager is helping the defendant, the process can be frustrating. Specific issues, such as whether the defendant has a substance abuse problem, affect how difficult it is to find a program. Stay in touch with the social worker or case manager. Check in regularly and encourage them to make this case a priority. Just be aware that the process may take months. ■

## **SENTENCING: JAIL OR PRISON**

If your loved one ends up in jail or prison, you will want to continue to advocate for them. You want to make sure that the jail or prison staff is aware of their diagnosis, medications needed, history and so on. Be sure to learn the rules for visitation and what you can or cannot bring to your loved one.

When speaking with jail or prison staff about a loved one's mental illness, it is important to remain as calm and tactful as possible. Many people who contact staff are agitated or angry. Your calmness can help set you apart and be more effective in advocating for your loved one.

Talking to staff about your loved one's mental illness will not necessarily make the person's stay in the facility more comfortable. Facilities have different protocols their staff must follow regarding inmates with mental illnesses or risk of suicide. Facilities also vary in their ability to respond to mental health concerns. You may want to talk to staff about what options are available so you can weigh the pros and cons before raising your concerns.

Prisons and jails are hard places for people who have a serious mental illness. People in prisons feel pressure not to take their medications or ask for help for fear that they will be viewed as vulnerable, abused by other inmates or placed on suicide watch. It may be difficult for the person to follow the rules, and they may end up in segregation as a result.

## Support For the Family

Armed with the information in this booklet, you can advocate for your loved one more effectively. Still, having an incarcerated family member often involves feelings of frustration, burn-out and beyond. For support, you may wish to contact a NAMI support group for family members.

## Mental Health Treatment During Incarceration

The amount and type of mental health treatment available varies from jail to jail. All Minnesota jails must administer a brief mental health screen at intake. Most jails use a short list of “yes” or “no” questions that takes about three minutes to administer. Those who indicate that they may have a mental illness or are at risk for suicide may receive a brief mental health assessment. However, many jails have little to no nursing or psychiatry services, and many lack the funds to pay for mental health assessments. When a jail does provide treatment, it is usually limited to medications. Therapy is not usually available in jails.

Minnesota prisons have more treatment options than local jails. As in the jails, each person receives a short mental health screen at intake, and if the screen indicates that they may have a mental illness, they are referred for further evaluation. Minnesota prisons provide crisis evaluations as needed. They offer mental health services based on need and available resources:

### *Levels of Service:*

- ▶ **LEVEL 1:** Self-help groups are available at all sites. Typically, these activities occur during non-work hours and are facilitated by staff and/or volunteers. The number and types of groups varies widely by facility and local interest. Groups usually occur on a weekly basis and are typically small, with 5 to 15 attendees, although a few groups may grow much larger. Groups include Alcoholics Anonymous and similar support groups, Anger Management, domestic violence, Beyond Violence, Beyond Trauma, grief support, meditation, critical thinking, mental health support, parenting, Families in Focus, relationships, healthy boundaries, and religious or spiritual support groups. All behavioral health staff are trained in Motivational Interviewing.
- ▶ **LEVEL 2:** Services are provided by DOC professional staff and include outpatient intervention; psychoeducational groups for brief intervention and treatment preparation; psychotherapy groups mixing didactic and process elements; and individual psychotherapy.

Mental health staff serve all facilities. Services are provided in individual and group encounters. Individual encounters include brief assessments, intermediate assessments, individual therapy, and crisis intervention. Group encounters include formal, staff-planned, and facilitated group treatment sessions.

- ▶ **LEVEL 3:** Supportive Living Services (SLS) units provide an intermediate level of mental health treatment services between outpatient and residential level services. SLS units are located in a designated area or within a living unit and provide mental health and daily living support services. These programs are available at each custody level but not at each facility. SLS units for male residents are located at Lino Lakes, Rush City, Faribault, Moose Lake, and Stillwater. For women, the Women of Wellness Unit provides a highly structured program of skills development over a fixed schedule of 42 days to completion, followed by supportive services as needed and a return to the general community. There is also a longer term SLS at Shakopee for women in need of ongoing mental health services.
- ▶ **LEVEL 4:** This level provides services to residents with acute levels of mental illnesses, who require residential care. Residential programs provide specialty assessments as well as acute and chronic mental health care within a secure environment at two facilities; Oak Park Heights for men and Shakopee for women. For men, the Mental Health Unit at Oak Park Heights provides the most intensive care. It is a system-wide resource for male residents from other sites who are in crisis. An increasing number of chronically ill residents are also housed here when other placements are impractical.

Some state prisons may also have small, grant-based treatment options. If your loved one has treatment needs not currently being met, it is worth contacting the psychological services department at that prison to ask about what treatment options may be available at that specific prison.

If your loved one experiences a mental health crisis in prison, two key factors may influence how the staff respond to the situation: (1) time of day and (2) severity of the symptoms. It may be easier for staff to respond during business hours and to less severe symptoms. It is important to know that all correctional facilities have a protocol staff must follow if they believe an inmate is at risk of suicide. Suicide watch protocols vary from facility to facility. You can ask staff what the protocol is at the facility where your loved one is incarcerated.

It is possible to arrange for an outside doctor to see and treat someone incarcerated in a Minnesota prison. The Department of Corrections will view the outside doctor's treatment plan only as a recommendation.

Ultimately, prison mental health staff will decide what treatment plan to implement. The family must pay the expenses for bringing in an outside doctor, including travel time.

In addition, some Minnesota state prisons now have Crisis Intervention Team (CIT) trained officers who can help ensure appropriate responses to mental health crises in the prisons. About 500 corrections officers have received CIT training.

## **Substance Use Treatment During Incarceration**

As with mental health treatment, substance use treatment varies widely from jail to jail, and there are more treatment options in the state prisons. The Department of Corrections provides substance use treatment in all prisons except the maximum security facilities. These services include:

### ***Treatment readiness programs***

These are trainings designed to help people to participate more actively in and get more out of their treatment.

### ***Long-term treatment***

Inmates in long-term chemical dependency treatment work with therapists and licensed mental health supervisors. There is a shortage of this type of treatment. Approximately 6,500 residents are assessed as needing substance use treatment each year. At the time of this writing, the department is funded to provide treatment to about 1,600 people annually.

### ***Aftercare***

Aftercare provides continuing support after a person completes treatment. Minimum-security inmates who have completed substance abuse treatment can receive aftercare. A staff member will identify community-based programs that can provide aftercare for each individual after they are released from prison.

## **If You Have Concerns About Treatment in a Minnesota State Prison**

If you have concerns about your loved one's mental health treatment in a Minnesota prison, contact the prison and ask for the director of Psychological Services (see the "Minnesota State Prisons" table for telephone numbers at each facility).

If you have concerns *not* related to mental health, you should contact your family member's case worker. Find the case worker's name online at [www.doc.state.mn.us](http://www.doc.state.mn.us). From that page, click on "Offender Information," then "Search Offender Records," and then "Offender Locator." Enter your family member's name, and the case worker's name and telephone number will appear in the search results. You can also call the prison where your loved one resides, ask them for the case worker's name and request to speak with that person.

## **Contacting a Family Member in Prison**

### ***Visiting Your Loved One in Prison***

Maintaining connection with your loved one while they are incarcerated can help immensely in their recovery. When and how you are able to visit your loved one in prison will depend on the type of facility in which they live. Each facility has different hours and stipulations for visitation but there are some general rules across the entire Department of Corrections. If you are the legal victim of the crime that your loved one is incarcerated for, you will not be able to visit or be in contact with your loved one in prison, however, minor children of a victim may still have visiting privileges. You will need to fill out an application, mail it to the Department of Corrections, and be approved before you can visit. Your loved one can mail you an application or you can pick one up at any DOC facility during regular visiting hours. You can also print the application and find other helpful visiting information at <https://mn.gov/doc/family-visitor/visiting-information/> or contact the Rush City Visiting Unit at 320-358-0400.

To apply to visit Stillwater and Oak Park Heights mail your application to:

#### **MCF-Stillwater**

970 Pickett Street N.  
Bayport, MN 55003

Adult applications for all other facilities must be mailed to:

#### **MCF-Rush City**

Attn: Visiting Unit  
7600 525th Street  
Rush City, MN 55069

All juvenile applications must be mailed to:

#### **MCF-Red Wing**

Attn: Visiting Unit  
1079 Highway 292  
Red Wing, MN 55066

There are two types of in-person visits provided by the Minnesota Department of Corrections: contact and non-contact. During a contact visit you will be in the same room as your loved one and visits generally last one to two hours. Visitors who travel over 100 miles one-way may be granted extended visits, but these must be initiated by your loved one at least 7-10 days in advance. For non-contact you will be separated from your loved one by glass in a “non-contact booth” and will communicate through a phone or video camera. Non-contact visits are limited to one hour. All residents in restrictive housing are required to have non-contact visits and visitors who violate rules may also be required to have non-contact visits. You should assume that someone may be able to hear any part of your visit. Up to four people may visit one person at a time with two additional children under the age of two. You should contact the facility before you visit to confirm that visiting time has not been cancelled for any reason.

There are many rules for visits, and they are often strictly enforced. You will want to be prepared for your visit to make the most of the time and avoid violating rules, especially if you travel far for your visit. Visiting rules include rules about where to sit, how you can touch your loved one, bringing children, and what you can wear. You are not allowed to bring “contraband” into the prison, and although this may sound like dangerous items, the list includes things like chewing gum, watches, and cell phones. You may be provided a locker to put your possessions in when you enter the visiting room. Your pockets must be completely empty except for the locker key and a photo I.D. Some medical items may be allowed with prior approval. Clothing rules require certain lengths for shorts and skirts and prohibit hats, scarves, and other types of clothes. The rules are generally enforced as safety precautions, but because they are so strict you should take special care to follow them. Violating a contraband rule can also result in criminal charges.

The staff at the visiting room have full discretion to decide what is inappropriate behavior and what violates a rule. If you violate a rule, even accidentally or unknowingly, your visit may end prematurely, and you may face restrictions on future visits. You and your loved one are responsible to know and follow the rules. If you have any questions you should contact the facility where your loved one lives before visiting. You are allowed to take pictures with your loved one during a contact visit. You can find a full list of the rules at <https://mn.gov/doc/family-visitor/visiting-information/>.

*There is no visiting on the following State recognized holidays:*

- ▶ New Year's Day
- ▶ President's Day

- ▶ Martin Luther King, Jr. Day
- ▶ Memorial Day
- ▶ July 4 (Independence Day)
- ▶ Labor Day
- ▶ Veterans Day
- ▶ Thanksgiving and the following Friday
- ▶ Christmas Day

### ***Mail, Money, and Electronic Correspondence***

You can send your loved one mail while they are in prison. You should address your letter with your loved one's legal name and include their "Offender Identification" (OID) number. Mail may include paper with words/drawings; photographs (Polaroid photos must have the backing removed); periodicals and published materials shipped from the publisher; and clippings or photocopies of published materials that meet criteria. Signed, commercial greeting cards and post cards are allowed, however cards that play music or have electronically recorded material on them are prohibited. Incoming mail is limited to 16 ounces per item. A maximum of 20 photographs are allowed per envelope. All mail will be opened and read before your loved one receives it to screen for inappropriate content.

You can send money to your loved one to cover the cost of personal care items, toiletries, or leisure items. For a fee, you can electronically send money to your loved one. You can also send a money order or cashier's check. All personal financial transactions go through a third party and you can find out more details on how to send money by calling the facility where your loved one lives or visiting <https://mn.gov/doc/family-visitor/send/>. Any money sent to a resident may be subject to different surcharges, for example if your loved one owes restitution to a victim.

You can also send an email or video to your loved one. At the time of this writing the Department of Corrections utilizes an electronic messaging company and charges 40 cents per email. You will need your loved one's OID number and can access the electronic messaging system and more information about video-grams at <https://mn.gov/doc/family-visitor/send/>.

Another option for connecting with your loved one is by video visitations. Video visits are limited to 30 minutes and at the time of this writing are \$9.95 a visit. You will need to be on the approved visitor list of your loved one by going through the application process detailed above. The availability of video visits will vary from facility to facility. Video visits are seen as a privilege in the prison, so you will want to coordinate with your loved one before you schedule a time. Restricting video

visiting may be used as a disciplinary action. You can learn more and schedule appointments at <https://mn.gov/doc/family-visitor/send/>.

## **Children and Incarceration**

Incarceration is difficult for everyone involved and is especially hard for children whose parents are in prison. Maintaining connections between children and their incarcerated parents is very important along with other ways to help combat the negative effects of incarceration on families. Sesame Street has created videos and activities to help children cope with incarceration of loved ones as well as resources for adults to help children process their feelings. Visit <https://sesamestreetincommunities.org/topics/incarceration/> to find resources. You can also visit [youth.gov](https://youth.gov) and select the topic “Children of Incarcerated Parents” for additional resources.

## **Ombudsperson for Department of Corrections**

In 2019 the Minnesota Legislature reopened the office of Ombudsperson for the Department of Corrections. The Ombudsperson is the long word for someone who independently investigates complaints of people in jails or prisons. People who are residing in jail or prison as well as their family members may submit complaints to the ombudsperson. The ombudsperson will investigate claims and communicate about their findings with the involved parties. If the ombudsperson finds that someone in the department acted against a policy or law, they only have the power to make recommendations for change in the department. While they cannot force the department to make any changes the ombudsperson’s recommendations have historically been taken seriously.

In 2020 the Governor selected the Ombudsperson and they are working to hire staff and open their office; however, they are not receiving complaints yet. The Department of Corrections has reported that they will announce when the office begins receiving complaints and have directed people to refer to Department of Corrections policies; the Offender Handbook; Visiting Information; or the Family and Friends Handbook on the Department’s website: <https://mn.gov/doc/>. You can check this website to see if the Ombudsperson is accepting complaints: <https://mn.gov/doc/about/ombudsperson-for-corrections/> or call 651-361-7200.

## **Challenge Incarceration Program (CIP)**

CIP is a minimum security “boot camp” program mandated by the Legislature in 1992 that allows people with non-violent convictions who qualify to earn early release. Until 2020, the program was housed

in two facilities in Togo and Willow River. In the summer of 2020, the Department of Corrections announced the closing of the Togo and Willow River facilities due to budget deficits. At the time of this writing the DOC has announced that the CIP will continue at other facilities and all participants are expected to be moved by the end of 2020. For more information contact the program at 651-523-7145 and 2375 University Avenue West, Suite 110 St. Paul, MN 55114-1603.

The CIP operates in phases. Phase 1 is a six-month, intensive program including education, critical thinking skills development, chemical dependency programming, and rigorous physical exercise. Phases 2 and 3, supervised release phases, are generally six months in duration and served in the community.

People in CIP participate in educational classes and chemical dependency treatment as required by an individual assessment. Participants also engage the youth and other community stakeholders at local schools in the Choices and Change program and other restorative justice endeavors. In addition, they are afforded the opportunity to take part in vocational learning such as the Apiary Program (beekeeping), Solar Panel Technology and College and Career Prep. CIP participants all have jobs. These jobs include, Food Services and Maintenance; as well as Work Crews, providing assistance to the community and local non-profits.

<b>Minnesota State Prisons</b>	
<b>FACILITY CONTACT AND INFORMATION</b>	<b>VISITING</b>
<b>FARIBAULT</b>	
<p>1101 Linden Lane Faribault, MN 55021 507-334-0700 MCF-Faribault.doc@state.mn.us</p> <p><b>FARIBAULT</b> consists of a medium-security facility and a minimum-security unit located outside the secure perimeter. With a combined population of over 2,000 adult males, MCF-Faribault is the largest facility in the DOC system.</p>	<p>Thursday and Friday: 5:30 p.m. to 8:30 p.m. Saturday and Sunday: 8:45 a.m. to 3:45 p.m. Registration desk is closed from 11:45 a.m. to 12:45 p.m.</p> <p>No visiting Monday, Tuesday, and Wednesday</p> <p><b>Visiting for Restrictive Housing:</b> Saturday and Sunday: 9:45am - 1:45pm (1-hour slots)</p> <p><b>Non-Contact Visiting Hours:</b> Thursday and Friday: 5:30 p.m. 8:30 p.m. Saturday and Sunday: 8:45 a.m. to 3:45 p.m.</p> <p><b>K4D Video Visiting:</b> Thursday and Friday: 6 p.m. to 8:30 p.m. Saturday and Sunday: 8:45 a.m. to 3:45 p.m.</p> <p><b>K4D Non-Contact Visiting:</b> Thursday and Friday: 6 p.m. to 8 p.m. Saturday and Sunday: 10 a.m. to 12 p.m.</p>

## Minnesota State Prisons

<b>FACILITY CONTACT AND INFORMATION</b>	<b>VISITING</b>
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### LINO LAKES

<p>7525 Fourth Avenue Lino Lakes, MN 55014 651-717-6100 MCF-Lino-Lakes.doc@state.mn.us</p> <p><b>LINO LAKES</b> consists of medium-security and a minimum-security unit with a population of 1,300 adult males. This facility has the highest concentration of educational and treatment programs. In many cases, people serve the final phase of their sentence at Lino Lakes so they can obtain the services they need to prepare for release.</p>	<p><b>General population</b> Thursday and Friday - 11:45 a.m. to 9 p.m. Registration is closed from 3:45 p.m. to 4:45 p.m. Registration closes at 8 p.m.</p> <p>Saturday and Sunday - 8:45 a.m. to 6 p.m. Registration is closed from 10:45 a.m. to 11:45 a.m. and from 3:45 p.m. to 4:30 p.m. Registration closes at 5 p.m.</p> <p><i>Note:</i> Visitors for residents in TRIAD, West A, West D, South A, and South B - Registration will begin at 4:45 p.m. on Thursdays and Fridays. 8:45 a.m. to 6 p.m. Saturdays and Sundays.</p> <p>Visitors for residents in South C, or South D are allowed visits from 11:45 a.m. to 6:30 p.m. (Must be registered by 5:30 p.m.) on Thursdays and Fridays. 8:45 a.m. to 6 p.m. on Saturdays and Sundays.</p> <p><b>Restrictive Housing population</b> Saturday and Sunday one-hour slots from 9am to 2pm Call (651) 717-6100 x436 on Thursday or Friday to schedule a restrictive housing visit for the weekend.</p> <p><b>Minimum Security</b> Mayo Visiting Hours: Tuesday and Thursday - 6:00 p.m. to 8:00 p.m. Saturday - 3:00 p.m. to 5:00 p.m. Sunday - 6:00 p.m. to 8:00 p.m.</p> <p>Sibley Visiting Hours: Wednesday and Friday - 6:00 p.m. to 8:00 p.m. Saturday - 6:00 p.m. to 8:00 p.m. Sunday - 3:00 p.m. to 5:00 p.m.</p>
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### OAK PARK HEIGHTS

<p>5329 Osgood Avenue North Stillwater, MN 55082 651-779-1400 MCF-Oak-Park-Heights.doc@state.mn.us</p>	<p>Sunday – Wednesday - No visiting</p> <p>Thursday and Friday - 12:35pm to 7:30pm Visiting Registration Open - 12:35pm to 1:45pm and 3:15pm to 6:15pm</p> <p>Saturday – 7am to 4:15pm Visiting Registration Open – 7am - 9:45am and 11:15am to 1:45pm</p>
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## Minnesota State Prisons

**FACILITY CONTACT  
AND INFORMATION**

**VISITING**

### OAK PARK HEIGHTS continued

**OAK PARK HEIGHTS** is the highest custody level in the Minnesota DOC system. The facility contains a modern medical infirmary designed to handle 24-hour care for all adult males in need of services from the Transitional Care Unit (TCU). Oak Park Heights also has a Mental Health Unit (MHU) designed to assist adult male inmates who have severe mental health needs.

**Non-Contact Visits**

Non-contact visits for residents in restrictive housing and general population residents with restrictions are on a First Come First Serve basis for scheduled visits. All Complex 5 (CX5) restrictive housing and Administrative Control Unit (ACU) Visits must be scheduled 24 hours in advance

ACU Friday 3:30pm to 4:30pm (2 slots)

CX5 Saturday 8 am (4 slots); 9:15am (4 slots)

ACU Saturday 12pm (2 slots); 2:15 p.m. (2 slots); 3:10pm (2 slots)

For more information, contact 651-779-1400, ext. 2122 or 2185.

### RED WING

Minnesota Correctional Facility - Red Wing  
1079 Highway 292  
Red Wing, MN 55066  
651-267-3600  
MCF-Red-Wing.doc@state.mn.us

Wednesday through Friday - 8:30 am to 3:30 pm

Saturdays - 3:45 pm to 7:45 pm

Sundays - 8:30 am to 3:30 pm

Arrest holds and detention holds who are housed in the security unit have visiting from 10 a.m. to 6 p.m. seven days a week.

**RED WING** (MCF-RW) is a juvenile residential facility operated by the Minnesota Department of Corrections (DOC). The facility's licensed bed space capacity is 88. Each general population living unit can house 16-24 youth and the secured unit can house 30 youth. The mission of MCF-RW is to encourage the development of healthy living and social skills and prepare youth to re-enter the community with appropriate community resources to maintain a healthy and pro-social lifestyle. The facility complies with Children's Residential Facility (CRF) licensing standards (Minnesota Rule 2960) and participates in Performance-based Standards (PbS) to ensure programs and services are rooted in nationally recognized evidence-based practices for youth.

## Minnesota State Prisons

<b>FACILITY CONTACT AND INFORMATION</b>	<b>VISITING</b>
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### RUSH CITY

<p>7600 - 525th St. Rush City, MN 55069 320-358-0400 MCF-Rush-City.doc@state.mn.us</p> <p><b>MCF-RUSH CITY</b> houses 1,000 adult males in a high-security setting. MCF-Rush City opened in 2000 and is the DOC's newest facility.</p> <p><b>Visiting Staff Contact:</b> 320-358-0400, ext. 208 Please call during visiting hours</p>	<p>General population</p> <p>Thursday – Sunday - 11:30 am to 8:30pm</p> <p>You may visit 1 to 2 hours during the week and 1 hour on weekends. Registration/front desk closes at 7 p.m.</p> <p><b>Restrictive housing population</b> Residents in restrictive housing may visit on Saturday and Sunday at 11:30am, 2:30pm and 5:30 pm via teleconference television.</p> <p>To make an appointment, call 320-358-0400 ext. 302 - 24 hours in advance on Fridays from 11:30am to 8:30pm</p>
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### SHAKOPEE

<p>1010 West Sixth Avenue Shakopee, MN 55379 952-496-4440 MCF-Shakopee.doc@state.mn.us</p>	<p><b>General population</b> Restrictive Housing by appointment only - 24 hours in advance Wednesday – Friday – 4pm to 8:30pm (must register by 7:30 p.m.) Saturday and Sunday – 8am to 2:45pm (must register by 1:45 p.m.) Monday and Tuesday – No visiting</p> <p><b>Challenge Incarceration Program Visiting</b> - on the first and third Saturday of each month.</p> <p>Registration for visiting is from 2:30 - 2:50 p.m.</p> <p>Red and Brown Hat – 3pm to 4pm (1 hour visits) Blue Hat – 4pm to 5pm (2 hour visits)</p> <p>Visiting Staff Contact: 952-496-4440, Please call during visiting hours</p>
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**MCF-SHAKOPEE** houses all female residents and offers a variety of evidence-based programming that is both gender-responsive and trauma informed. This programming includes cognitive behavioral interventions such as Moving On, Beyond Trauma, and Beyond Violence. It also includes chemical dependency and mental health treatment. Inmates have access to a variety of academic and vocational educational opportunities. MINNCOR Industries provides work opportunities for inmates. Other inmates may also be employed on facility maintenance crews, food service, or other programs throughout the facility.

## Minnesota State Prisons

### FACILITY CONTACT AND INFORMATION

### VISITING

#### ST. CLOUD

2305 Minnesota Blvd  
St. Cloud, MN 56304  
320-240-3000  
MCF-St-Cloud.doc@  
state.mn.us

**MCF-ST. CLOUD** is the admitting facility for all adult male residents in the Minnesota DOC. The vast majority of residents are assessed and classified and transferred to other DOC adult male facilities. It also has two chemical dependency programs and offers adult basic and general education programming.

#### General population

Thursday and Friday – 3:30pm to 9:30pm  
Visitors must be registered by 8:30pm. The registration desk is closed from 6:30pm to 7 pm. You may visit 1 or 2 hours during the week.

Saturday and Sunday – 8:30am to 11:30am and 12:30pm to 4pm  
Visitors must be registered by 10:30am and by 3pm. All visits are one hour on the weekends. There is no visiting from 11:30am to 12:30pm.

Please note: If you register for a visit after 2:30 p.m. on the weekends, the start of your visit could be delayed due to the 3pm facility count when all resident movement stops. This could result in a visit less than one hour in length.

No visiting: Monday, Tuesday, and Wednesday

#### Restrictive Housing Population

Thursday and Friday – 2pm to 3pm  
Registration for restrictive housing visits is from 1:50pm to 2:30pm. No visits are allowed during first 24 hours in restrictive housing. No visits if on Phase 1, Restrictive, or High-level Control status. All visits are non-contact only. Advance appointments are required. Call (320) 240-3000 and ask for information desk (ext. 5504).

General Visiting Staff Contact: 320-240-3000, ext. 5504. Please call during visiting hours.

## Minnesota State Prisons

### FACILITY CONTACT AND INFORMATION

### VISITING

### STILLWATER

970 Pickett St  
Bayport, MN 55003  
651-779-2700  
MCF-Stillwater.doc@  
state.mn.us

**MCF-STILLWATER** is the state's largest close-security institution for adult male residents. Educational programs include adult basic education, literacy, and general educational development (GED). Certificate programs include computer careers and higher education including degree programs. Vocational programs include carpentry, welding, machining, boiler operation, and electrician.

Stillwater also provides transitional life skills, behavioral change, and restorative justice programming. MCF-Stillwater is also home to The Prison Mirror, the nation's oldest, continuously-operated inmate newspaper. Founded in 1887, The Prison Mirror has won many national awards for outstanding penal journalism.

Residents are allowed 16 visiting hours per month.

No visiting: Mondays, Tuesdays, Wednesdays

One or two hour visits are available on weekdays. All weekend visits and non-contact visits are one hour in length. Registration ends 45 minutes before the end of the visiting day which is 7 p.m. on weekdays and 5 p.m. on weekends.

#### General Population

Thursday and Friday – 10:15am to 7:45pm

Saturday and Sunday – 8:15am to 5:45pm

Residents are not paged for visits during count times. Visiting pages will resume at the conclusion of the count.

Weekday count times are 11:30am to 12:30pm and 3pm to 4pm.

Weekend count times are 10:30am to 11:30am and 3pm to 4pm

#### Restrictive Housing Population

One hour slots are available by appointment only.

Friday – 11am to 3pm

Saturday and Sunday – 12:30pm to 3:30pm

To schedule a restrictive housing visit call 651-748-7909 between 11am and 7pm the day before for Friday and Saturday visits. Call Saturday between 9am and 5pm to schedule a Sunday visit. Restrictive housing visits are through a TV monitor 'visiphone' located inside the visiting room, so all visiting room rules and restrictions apply.

**Minnesota State Prisons**

**FACILITY CONTACT  
AND INFORMATION**

**VISITING**

**STILLWATER continued**

**Minimum Security Unit**

Wednesday – Friday – 5:30pm to 8:30pm

Saturday and Sunday – 12pm to 3pm and 5:30pm to 8:30pm

No visiting on Monday and Tuesday .

Visiting Staff Contact: For general visiting information, call 651-748-7909. MCF-Stillwater does not require an appointment for general non-contact visits or in-house restrictive housing visits. These visits are first come first serve with available space.

No information concerning an inmate’s visiting list will be given over the phone. Anyone wishing to have information will need to present picture ID at any MCF location.

For loved ones who visit residents working in industry, due to the industry clean up and tool inventory protocols DOC is not able to alert them in industry after 2:40 p.m. Please plan your visits accordingly and arrive earlier than this for the best chance of being able to page them before close.

## Data Privacy

The Department of Corrections cannot share health-related information with the family unless the person signs a release form. You can request that the facility ask your family member to sign a release form. Also, the department is unlikely to share information if the family has initiated a lawsuit against the department. However, you can always share important information with your loved one's treatment providers.

## Administrative and Disciplinary Segregation

Segregation in prisons means a resident is separated from the general population and placed in Restrictive Housing. These are technical terms for what is commonly called solitary confinement. A person may be placed in segregation for administrative purposes meaning that they have been found to be a danger to themselves or others. Disciplinary segregation is used as a punishment when a rule has been broken. NAMI worked to pass legislation in 2019 to regulate and improve the conditions in restrictive housing, such as making sure that the lights are dimmed during nighttime hours.

When a person is placed in restrictive housing, they must have a mental health screening within 24 hours and be followed up for any symptoms of a mental illness. Health staff must perform daily wellness checks in the restrictive housing setting and ensure treatment for people exhibiting symptoms. The Department of Corrections has a protocol to allow people to be released from segregation in a timely manner and must provide step-down programming to help people reenter the general population. When a person is set to be released out of prison, the department cannot release them directly to the community if they have been in segregation for more than 60 days unless there is a compelling reason for the commissioner to authorize the release. The department is also required to develop a reentry plan for those who are nearing their release date so that they don't go directly from segregation to the community.

Life in any prison is difficult, and someone with a serious mental illness may find it very hard to understand or follow rules and thus may spend more time in disciplinary segregation. Segregation often means spending most of the day alone in a small room and losing certain privileges like phone calls and visits. While the laws to protect the mental health of residents are in place, they are still new at the time of this writing. If you learn that your loved one is in segregation, it may be helpful to contact the facility to learn how your loved one is doing and ensure that they are receiving mental health care and they have a plan in place to be released from segregation when possible. You should always call ahead

before you plan a visit to ensure that your loved one can see you. If they are not allowed visitors, be persistent. All the facilities allow for people in segregation to have some kind of contact with others. Advocating to connect with your loved one in segregation can make a big difference in helping to maintain their mental health while they are in restrictive housing. ■

## **SENTENCING: PROBATION**

Probation is a type of sentence that allows a person to stay in the community under supervision and requires them to follow certain conditions. The term probation may refer to several things. When a person is conditionally released before they go to trial the local probation office may supervise them and make sure they follow their conditions. Most people under supervision have been convicted, served some time and finish their sentence on probation. Others may be sentenced straight to probation as an alternative to incarceration. Minnesota uses something called determinate sentencing, which means that there is no early release or time off for good behavior during incarceration. A person must serve two-thirds of their sentence in prison and one-third under supervision. So everyone who comes out of a state prison goes into supervision.

People on probation are supervised in the community and must comply with specific conditions set by the probation officer and the judge. People on probation must regularly report to their officers. If a person on probation fails to comply, the probation officer may ask the court to issue a warrant for their arrest. If a warrant is issued and the person is arrested, they will appear before a judge who will decide whether to continue probation or sentence the defendant to incarceration.

Make contact with your loved one's probation officer before there is a problem. Call the probation officer and introduce yourself. By making contact early, the officer will be more likely to call you if a problem arises. Completing mental health treatment may be a condition of probation.

People with mental illnesses who are on probation need advocates. A single probation officer may be supervising over 100 people. Most probation officers do not have special training with mental health issues. By helping a probation office understand your loved one's mental health needs, you may prevent your loved one from violating probation. ■

## LEAVING THE JAIL OR PRISON

Reentering the community from jail or prison involves many challenges, from getting back onto benefits to finding housing and employment. You and your loved one can take action to make this transition easier, especially if you take action before the person is released.

### Discharge Planning

Before your loved one leaves jail or prison, you will want to advocate for discharge planning. Discharge planning connects people to benefits and services in the community before they leave jail or prison. These services and benefits can include medications, treatment, benefits, housing, employment, economic assistance and more. Please note that your loved one's participation in discharge planning is voluntary.

In Minnesota prisons, people with serious and persistent mental illnesses are eligible for release planning. The same is true for inmates in chemical dependency programs. Prisons have both general and specialized release planners. You will want to ask for a release planner who specializes in either mental health or substance abuse, depending on which is the highest need for your loved one. The prison will ultimately decide what type of release planner works with your loved one. Some jails have discharge planners, but they are usually reserved for people who stay a long time. If your loved one had a case manager before going to jail, you may want to contact them to see if they can help.

Contact the mental health staff or nurse in the jail and the release planner in prison months before the person's release day. In prison, this process will start at least 90 days before they are released.

Release planners can share information with the family if the person signs a release form. You may also want to ask if the facility will let you participate in the discharge planning meetings. Some facilities may allow this if your loved one is willing. Ask specific questions about the plan to make certain that, when the person leaves jail or prison, they will have their medications and prescriptions, case management services, community mental health services and housing or residential treatment available immediately upon release. Without a privacy release, release planners can listen to your concerns and suggestions, but they cannot share information with you.

The department of corrections provides resources for people leaving prison through regional transition coalitions that bring together community resources and organizations and hold regular meetings to assist and support people re-entering the community. The DOC's Adult Pre-Release Handbook includes guidance on how to prepare for reentry and

information to help support a successful transition. You can find it and other reentry resources by visiting [mn.gov/doc/](http://mn.gov/doc/) and clicking Community Supervision & Reentry.

If your loved one is in a jail that does not provide discharge planning services, keep in contact with the nurse or the mental health staff. In some situations, the local county human services department may help the person connect to benefits, case management or psychiatrist appointments (in some counties, the department that does this is called social services or family services instead of human services).

Maintain regular contact with the release planner assigned to the case. They will work with willing family members and send them the plan when the person is about to leave. Make sure that when the person leaves jail or prison, they have everything they need to successfully move back into the community. NAMI's booklet *Hope for Recovery* is a comprehensive guide for mental health resources in Minnesota, including treatment services, insurance, housing, employment, and more. You can view the booklet online at [www.namimn.org](http://www.namimn.org) or contact the NAMI office at 651-645-2948 for a copy.

## **Health & Financial Benefits**

### ***MNsure***

MNsure is Minnesota's health insurance exchange where people can shop for both public and private health insurance. MNsure is used to purchase private insurance and is also the way that people enroll in Minnesota's public health care programs—Medical Assistance (MA) and MinnesotaCare. There are many organizations that have “navigators” to help enroll you or a family member through MNsure. Visit [www.mnsure.org](http://www.mnsure.org) for more information. MNsure is available to Minnesota residents (and non-citizens lawfully residing in the U.S.) who do not have access to affordable health insurance through their employer. MNsure is not an insurance provider itself, but a way to buy health insurance. Using MNsure, you can compare insurance plans side-by-side, much like going online to buy a car or plane ticket. Enrollment can be done online, by phone, or through the mail. All plans offered through MNsure are required to cover mental health and substance use disorder treatment and must follow mental health parity laws.

To qualify for any plan through MNsure you will need to call the MNsure Contact Center at 651-539-2099 or 855-366-7873 outside the Twin Cities and report that your incarceration status has changed. Most public benefits stop once a person is incarcerated. There is a slightly different process to restart each benefit.

### **Medical Assistance (MA)**

MA is Minnesota's Medicaid program for people with limited income and people with disabilities. People must be a U.S. citizen (or a qualifying non-citizen) and a MN resident. MA covers a wide range of mental health services. MA also covers basic health care needs, dental, vision, and prescription medication. MA does not have a premium (monthly fee) but does have small co-pays for some services and medications, usually \$1–\$3.50. However, there is a cap on the total amount of co-pays paid for medications (\$12), and there is no copay for antipsychotic medications.

Someone who was on MA before incarceration and was incarcerated for less than a year can reopen their MA benefit using a shortened process. Up to 45 calendar days prior to release and no later than 10 days after release, the individual or authorized representative may request MA to be reopened. Upon release, they will fill out a reinstatement form, not a full application. If someone has been incarcerated for more than a year, they will need to fill out the full application to reapply for benefits.

When the person is being considered for eligibility, the state will consider any “gate” money that they receive upon leaving jail as unearned, lump-sum income. Gate money up to \$65 counts as “infrequent and irregular income” and does not affect MA eligibility. Gate money over \$65 counts as “regular income” and can affect eligibility. If someone was receiving services through an MA waiver, they will most likely lose their eligibility for that program. People who were on Medical Assistance for Employed People with Disabilities (MA-EPD) will have to pay their premium before the case can be reopened.

### **Social Security Programs**

*There are two main Social Security programs for people with disabilities:*

- ▶ **SOCIAL SECURITY SUPPLEMENTAL INCOME (SSI):** SSI is a federal program that pays monthly cash benefits to persons who are 65 years or older, blind, or have a disability and also have limited resources and income. HELPFUL HINTS If you are denied social security, don't give up! Apply again.
- ▶ **SOCIAL SECURITY DISABILITY INSURANCE (SSDI):** SSDI provides cash payments to people who live with a disability, have worked a certain amount of time, or had a parent or spouse who worked a certain amount of time and paid taxes to Federal Insurance Contributions Act (FICA).

To apply for social security, complete an application at [www.ssa.gov](http://www.ssa.gov) or call 1-800-772-1213. If you are deaf or hard of hearing, call TTY 1-800-325-0778. You may also call or visit your local Social Security office. Find your local office at [www.socialsecurity.gov/locator/](http://www.socialsecurity.gov/locator/).

If someone has SSI or SSDI and is incarcerated for less than one year, they need to reapply for these benefits, but their disability status remains unaffected. If someone is incarcerated for more than one year, they will need to be recertified as disabled before applying. If the person's card was lost or not returned upon discharge Social Security can provide another one.

### **Veterans' Benefits**

The U.S. Department of Veteran Affairs (VA) operates a Veterans Justice Outreach (VJO) Initiative specifically to assist justice-involved veterans with mental illnesses and substance use disorders. The VA also has Health Care for Re-entry Veterans Services and Resources (HCRV) available to assist veterans when re-entering the community. You can visit [va.gov](http://va.gov) or call the VA311 line at 844-698-2311 to ask questions, find locations, contact justice specialists, and receive assistance. You can also visit [www.macvso.org](http://www.macvso.org) to find your local County Veteran Service Officer (CVSO). The VA also operates a crisis line for veterans and concerned loved ones at 800-273-8255 and press 1, or text 838255 for veteran specific crisis assistance. Call TTY if you have hearing loss at 800-799-4889.

Veteran health care benefits are not available while a person is incarcerated but are available immediately upon their release. For veteran disability compensation, misdemeanor convictions do not affect the amount of cash benefits. Felony convictions will reduce your loved one's cash benefits by half after 60 days of imprisonment. If your loved one receives a veteran's pension, both misdemeanor and felony convictions will cause your loved one's cash benefits to be suspended after 60 days of imprisonment. It may be possible to apportion, or give, the spouse or child of a veteran the compensation that the veteran would receive if they weren't incarcerated. You will need to file a claim and eligibility and payment amounts are based on the needs of the people who will receive the payment instead of the incarcerated veteran.

### **Combined Application Form (CAF)**

A case manager or release planner can help your loved one fill out the CAF. The form is a single application that can help a person qualify for the Minnesota Family Investment Program (MFIP), Refugee Cash Assistance (RCA), Diversionary Work Program (DWP), General Assistance

(GA), Minnesota Supplemental Aid (MSA), Group Residential Housing (GRH), Supplemental Nutrition Assistance Program (SNAP), and Emergency Assistance.

### **General Assistance (GA)**

General Assistance (GA) serves as Minnesota's primary safety net for low-income adults without children. GA provides monthly cash grants for people with very low income and assets are less than \$10,000. The maximum benefit for a single adult is \$203 a month and \$260 for a couple. Eligibility is also defined in terms of disability and un-employability. People are often on GA while waiting for Social Security benefits to begin. Emergency funds (sometimes called Emergency Assistance or Emergency General Assistance) may also be available if you cannot pay for basic needs, such as shelter or food, and your health or safety is at risk because of this.

### **Minnesota Family Investment Program (MFIP)**

MFIP is a monthly cash assistance program for low-income families and pregnant women. MFIP includes both cash and food assistance. Most families can get cash assistance for only 60 months. If the parent is deemed "disabled," the child(ren) may qualify for MFIP benefits. To apply for the MFIP program you must contact your county human services agency.

### **Minnesota Supplemental Aid (MSA)**

MSA is an extra monthly cash payment for people who receive Supplemental Security Income (SSI) benefits. Some people who do not receive SSI may still be eligible for MSA if they meet eligibility criteria. There is also a separate program for housing assistance if your housing costs are more than 40% of your income and you are moving to the community from an IRTS facility or want to live in your own home and are receiving services through a waiver.

### **Supplemental Nutrition Assistance Program (SNAP)**

SNAP (formerly called Food Stamps and the Food Support program) is a county-administered federal program that assists individuals and families with low incomes to purchase food. People who receive SNAP must either be employed or participate in a training program. There are some specific situations that may be exceptions.

### **Diversionsary Work Program**

The Diversionsary Work Program provides short-term job counseling and basic living costs to eligible families. The program is for families that are looking for work but need help paying for basic living expenses.

### **Work Benefit Program**

The Work Benefit program is a \$25 monthly benefit for families going off MFIP or the Diversionary Work Program. The family's caregiver must be working the required number of hours, and gross family income must be less than 200% of the federal poverty guidelines.

### **Treatment, Services & Supports**

There are many treatment options for people with mental illnesses or substance use disorders. What is available depends on a person's health insurance coverage and economic situation. Community mental health centers, for example, can provide treatment using sliding fees for low-income clients with no health insurance.

One example of a mental health service is "ARMHS," or Adult Rehabilitative Mental Health Services. ARMHS workers can come to the home to assist people in areas such as community living skills, budget management, cooking, transportation and medication management. The goal of an ARMHS worker is to promote stability and functioning in the community. Assertive Community Treatment (ACT) is another example and is an evidenced-based practice that uses a team of professionals to provide a range of mental health treatment and services to an individual. ACT is designed for people who live with serious and persistent mental illnesses. People who qualify for ACT would likely require hospitalization or long-term residential treatment without it.

Forensic Assertive Community Treatment (FACT) is an adaptation of the ACT model and is designed to assist in transitioning adults with severe mental illnesses who are exiting the correctional system and returning to their home communities. The individuals served by FACT teams have a higher risk of repeated involvement with the criminal justice system, so teams also collaborate with probation and parole departments to help individuals fulfill conditions of their release in an effort to reduce recidivism.

FACT is for adults 18 years and older. Eligibility for service is based on a diagnosis of severe and persistent mental illness (SPMI). Priority is given to people diagnosed with schizophrenia, schizoaffective disorder, bipolar disorder and/or major or chronic depression. Priority is also given to people who have been identified by the Department of Corrections as being ready for transition and discharge. FACT services are delivered primarily in community settings of the individual's choice, including individual's homes, workplaces, parks, recreational sites and other locations. Service delivery in the community makes getting treatment easier and more convenient for FACT individuals. It also allows team members to provide treatment in a more relaxed and informal

atmosphere, and assists people to build skills in the context of the communities where they live.

Minnesota currently has two Forensic Assertive Community Action Treatment Teams:

**RADIUS Health Ramsey Forensic ACT (FACT) Team**

Operating Agency: RADIAS (South Metro Human Services)

Phone: 651-783-5480

Address: 166 4th Street East, St. Paul, MN 55101

Email: [maggiej@southmetro.org](mailto:maggiej@southmetro.org)

**Rescare ACT Team**

Operating Agency: Rescare

Phone: 763-537-6612

Address: 5615 Brooklyn Blvd., Suite 200, Brooklyn Center, MN 55429

Email: [Michael.Falck@Rescare.com](mailto:Michael.Falck@Rescare.com)

It is not uncommon for someone with a mental illness to also have substance use disorders. Research shows that people with co-occurring disorders need treatment for both problems to recover fully. Focusing on one does not ensure the other will go away. There are several types of treatment available for people with co-occurring mental health and substance use disorders. Integrated Dual Diagnosis Treatment (IDDT) is an evidence-based treatment, meaning that research supports the approach, and that providers must follow certain standards. Minnesota does not have many IDDT providers yet, but the number grows each year. There are also mental illness/chemical dependency providers who offer services to people with co-occurring disorders that do not meet the IDDT standards, but which may be better than a program that does not address both issues.

Certified Community Behavioral Health Clinics (CCBHC) offer “one-stop-shop” care for people with mental illnesses and substance use disorders. Minnesota is one of eight states selected to pilot this new model of mental and chemical health care. CCBHCs are an innovative model designed to bring together behavioral, chemical and physical health care for people with mental and substance use disorders and offer services such as primary care screening, cognitive behavioral therapy, motivational interviewing, and trauma-focused therapy for children.

Finally, many family members benefit from counseling or therapy for themselves during this difficult time. If you have insurance call your insurance company to find therapists covered by your insurance (the phone number is on the back of your insurance card). If you do not

have insurance, contact your local community mental health center or go to [fasttrackermn.org](http://fasttrackermn.org).

## **Housing**

Finding a place to live is an important but often challenging step toward successful reentry. Also, finding housing within a specific period of time after release is usually a condition of probation. Some may be required to live in a halfway house for a time, or required to live in the county where they were convicted.

There are many types of housing. What works best will depend on your loved one's financial situation and conditions of release. Many housing options may be limited by certain types of convictions, especially sex offenses and violent offenses.

*These are some resources for housing options:*

- ▶ Visit [www.mnhousing.gov](http://www.mnhousing.gov) ; or [www.mn.hb101.org](http://www.mn.hb101.org)
- ▶ Visit <https://mn.gov/dhs/people-we-serve/adults/economic-assistance/housing/>
- ▶ Find the Minnesota Transitional Housing Directory at <https://mn.gov/doc/community-supervision/reentry-resources/community-resources/>
- ▶ See NAMI Minnesota's booklet, *Hope for Recovery* (for a copy, visit [www.namimn.org](http://www.namimn.org) or call 651-645-2948)
- ▶ Dial 211, United Way's free help line
- ▶ Search the Internet using keywords such as: low income subsidized residential housing or supportive housing in Minnesota

Housing options for people released from jail or prison include:

### ***Private Rental***

Rental housing is the most widely available option. It may be possible to receive public assistance to help pay for rent or the security deposit. However, rental property owners may screen for and refuse to rent to people with criminal backgrounds.

### ***Living with Family Members***

This option may provide emotional and financial support and is likely to be immediately available. However, living together may not work for some families due to too much stress, instability or other reasons. The family should find out whether their housing could be lost if a person with a criminal record moves in.

### **Public Housing**

Public housing means publicly owned and managed rental units for low-income households. Units may be single-family homes, apartments, or townhomes, with some units reserved for older adults or people with disabilities. Rent is based on income. Housing may be older and include few amenities. Be prepared for long or closed waiting lists. You should know that the law allows public housing programs to screen for and refuse to accept people who have been convicted to certain offenses. For general information and apartment and waiting list information for the Twin Cities, go to [www.housinglink.org](http://www.housinglink.org).

### **Supportive Housing**

Supportive housing is housing plus services for people who have low incomes, live with chronic health conditions (such as a mental illness), and need stable housing that is tightly linked to services. It is often targeted to people who have experienced homelessness. For more information about supportive housing options, contact:

#### **Corporation for Supportive Housing**

2801 21st Ave. S, Ste. 230, Minneapolis, MN  
55407 Phone: (612) 721-3700 [www.csh.org/resources/](http://www.csh.org/resources/)

#### **Hearth Connection**

2446 University Avenue West, Suite 150, Saint Paul, MN 55114  
Phone: (651) 645-0676 [www.hearthconnection.org/](http://www.hearthconnection.org/)

### **Adult Foster Care**

Adult foster care refers to a licensed home that provides sleeping accommodations and services for up to five adults. The rooms may be private or shared, and the dining areas, bathrooms and other spaces are shared family style. There are two types of adult foster care: family adult foster care and corporate adult foster care. Ask the person in charge of the home what training staff have had regarding mental illnesses and crisis de-escalation. If the staff have not received a good deal of training on these topics, consider looking elsewhere. If an adult foster care home has been certified in mental health, it will be noted on their license.

### **Assisted Living**

In Minnesota, assisted living is a service concept and not a specific type of housing. It usually refers to housing that includes services. Residential assisted living programs may be licensed under a “class F” license, in which case services can be provided by management or by contracted providers. Licensed programs must have a designated provider available to provide services 24 hours a day.

### ***Nonprofit or Privately Owned Affordable Housing***

In these programs, the tenant pays a certain percentage of their income toward rent. This is often more affordable than private rental. Additional services and supports are sometimes available through this type of housing. Some models of affordable housing include Board & Lodge and Boarding Care. Learn more about these programs in NAMI's Hope for Recovery booklet or on the internet. Owners are bound by Fair Housing laws but may exclude people with criminal histories.

### ***Transitional Housing***

Transitional housing usually provides supervision for people just after release from incarceration, but no two programs are alike. The services offered vary greatly. Residents usually must follow certain rules and may have rigid structures, which may not work well for people who have a serious mental illness. You can find a list of some programs in Minnesota in the DOC's Transitional Housing Directory by visiting [mn.gov/doc/](http://mn.gov/doc/) hover on "Community Supervision & Reentry" > "Reentry Services and Resources" and click on "Community Resources".

### ***Paying for Housing***

There are a few different types of housing subsidies to help people pay for the cost of housing:

#### **Section 8**

Section 8 is a federally funded housing assistance program designed to help people with low incomes access stable and affordable housing. Project-based Section 8 housing refers to privately owned and managed rental units for low-income households. Subsidized housing is "project-based" if the assistance is assigned to a specific unit or housing development. The person pays a percentage of their income towards their rent and the housing authority pays the rest directly to the landlord. It is important to know that the waiting lists for project-based Section 8 housing are typically very long. Section 8 housing choice vouchers help low-income households pay rent on market-rate rental units. The tenant finds their own unit, within certain requirements, and the housing authority pays part of the rent directly to the landlord. The waiting list for Section 8 vouchers is very long and is often closed. To apply or to get more information on Section 8, visit [www.housinglink.org/housingresources](http://www.housinglink.org/housingresources). You can also call your local Housing Authority, which you can find by calling the Housing and Urban Development (HUD) MN Field Office at (612) 370-3000 or visiting [www.hud.gov/states/minnesota/offices](http://www.hud.gov/states/minnesota/offices).

## **Bridges Housing Subsidy**

Bridges is a program designed to subsidize rent for people with mental illnesses who spend most of their income on housing or people who have no place to live while waiting for a Section 8 housing choice voucher. It provides a “bridge” to stable housing until the Section 8 housing program has openings. Bridges provides rental assistance for people who live with a serious mental illness and qualify for a Section 8 housing voucher. Participants must pay between 30% and 40% of their monthly income for rent while in the Bridges program. For more information about Bridges, to print forms for the program or to find contact information for your local housing authority to see whether your county is enrolled in the Bridges program and/or who to contact—visit [www.mnhousing.gov](http://www.mnhousing.gov) (search “bridges,” then select “rental assistance for administrators”).

## **Housing Supports**

### **Minnesota Supplemental Aid (MSA)—Housing Assistance**

MSA—Housing Assistance provides around \$200 in additional benefits to people on MSA to help pay for housing costs. MSA housing assistance was expanded to include people moving out of housing support settings and increases benefits so that more people may live in the community. The change will be effective on July 1, 2020.

### **Housing Support**

The Housing Support (formerly Group Residential Housing) program pays up to \$934 per month for room and board in approved locations for people with low income and low assets who have disabilities or other conditions. People who either get General Assistance (GA) or Supplemental Security Income (SSI) automatically meet the income and asset limits. For more detailed information about qualifying for Housing Support visit [https://mn.db101.org/mn/programs/income\\_support/housing/program2e.htm](https://mn.db101.org/mn/programs/income_support/housing/program2e.htm). Housing Support may also help pay for additional services if you are not eligible for personal care assistance (PCA) services through Medical Assistance (MA) or MA-Waiver programs. You can apply for Housing Supports at <https://applymn.dhs.mn.gov/online-app-web/spring/public/process-login?execution=e1s1>

### **Housing Stabilization Services**

Housing Stabilization Services is a new Minnesota Medical Assistance benefit to help people with disabilities, including mental illness and substance use disorder find and keep housing. Housing Stabilization is a Home and Community Based Service (HCBS) under Medical Assistance.

In order to be eligible, someone must have a disability (which can include a mental illness), and (1) be homeless or at risk of experiencing homelessness or (2) Living in an institutional or segregated setting or be at risk of placement in such a setting. Learn more at <https://mn.hb101.org/a/47/> or call 1-866-333-2466.

## Employment

Finding a job after incarceration is often difficult, especially for people who have had a felony conviction. There are some organizations that can help connect people to employment. They can help search and apply for jobs, prepare for job interviews, learn to answer the question “Have you ever been convicted of a felony?” and so on.

Thanks to a campaign called “Ban the Box,” job applications in Minnesota may no longer ask about criminal history. Employers may ask about criminal history after the initial job application, however. The Department of Human Rights is responsible for enforcing this new law. If you apply for a job and find a criminal history question on the job application, you may file a complaint with the department (visit [mn.gov/mdhr/](http://mn.gov/mdhr/) or call 651-539-1100, TTY 651-296-1283 or toll free at 800-657-3704).

To find employment services near you, try searching the Internet using key words such as: prison, jail or offender reentry employment services in Minnesota. The Minnesota Department of Employment and Economic Development (DEED) has resources that can help you find a job at [www.mn.gov/deed/job-seekers/](http://www.mn.gov/deed/job-seekers/) or 651-259-7114 or 800-657-3858. DEED also has a service called Career Force at [careerforcemn.com](http://careerforcemn.com) or 651-259-7501 with some resources specifically for people with criminal records. You can also dial 211 to speak with United Way’s help line.

There are two programs you can take advantage of when applying for jobs. Both are meant to encourage employers to hire people who have a criminal conviction.

- ▶ **WORK OPPORTUNITY TAX CREDIT (WOTC):** WOTC is a federal tax credit for employers who hire people from specific groups. One of these groups is economically disadvantaged ex-felons. To use this program, a person must be hired within a year of their release from prison.
- ▶ **FEDERAL BONDING PROGRAM:** This program provides fidelity bonds for job applicants who cannot be bonded by an employer’s private bonding company because of a criminal record. Fidelity bonds insure employers against any loss resulting from an employee’s dishonesty. This program provides bonds for people with criminal records at no cost to the employer.

Most employment services organizations, such as WorkForce Centers, can help you determine how to take advantage of these programs. DEED also has information at bonding at [www.mn.gov/deed/](http://www.mn.gov/deed/) and a WOTC coordinator at [deed.wotc@state.mn.us](mailto:deed.wotc@state.mn.us) or 651-259-7521 or 1888-234-5521.

### ***IPS Supported Employment***

Supported employment programs help people with mental illnesses find and hold competitive employment in their communities. Supported employment programs are staffed by employment specialists who meet frequently with treatment providers to integrate employment and mental health services. In Minnesota, individual placement and supports (IPS) is the one type of supported employment model with significant evidence to show that it works well for people who live with mental illnesses.

### ***Vocational Rehabilitation Services***

This program is the state's comprehensive, statewide program that helps people with significant disabilities find and retain employment. People whose mental illnesses impair functioning in one or more important life activities may qualify for multiple vocational rehabilitation services (VRS) over an extended period of time to achieve employment goals. Counselors working out of the state's Workforce Center System coordinate services. Services include assessment, vocational evaluation, training, rehabilitation counseling, assistive technology and job placement. For the location of your local WorkForce Center, call (651) 259-7366 or 1-800-328-9095 or visit [www.mn.gov/deed/job-seekers/disabilities/find-vrs/](http://www.mn.gov/deed/job-seekers/disabilities/find-vrs/)

### ***Employment Assistance***

Many clubhouses and community support programs assist people with mental illnesses in finding and keeping employment. Workforce Centers can also provide some assistance. There are sheets on the NAMI Minnesota website that provide information about accommodations in the workplace.

## **Education**

If a person has been convicted of a felony, it is important to research whether they can work in their field of interest before spending money on education in that area. Many people have gone back to school only to find that they cannot get a job in their field because of a felony conviction. A felony conviction limits which jobs a person can perform legally.

For example, people with certain felony convictions cannot be school bus drivers or nurses. Visit [niccc.csjusticecenter.org](http://niccc.csjusticecenter.org) to search what kind of limits may be placed on a person with a conviction.

## **Identification**

Proper identification is an important tool for everything from seeking a job to cashing a check. If your loved one is in prison, they can ask a caseworker or a transition staff member for help, including copies of applications, fee assistance and a form letter verifying his or her name.

### ***Minnesota Birth Certificate***

A person born in Minnesota can obtain a birth certificate from the Office of Vital Records in the Minnesota Department of Health (e-mail [health.vitalresources@state.mn.us](mailto:health.vitalresources@state.mn.us), call 651-201-5970 or download an application from [health.state.mn.us/people/vitalrecords/docs/bcappia.pdf](http://health.state.mn.us/people/vitalrecords/docs/bcappia.pdf)). The application must include valid proof of the person's full birth name, date of birth, city of birth (if known), father's name and mother's name, including maiden name. One birth certificate costs \$26. Alternatively, you can apply in person at the local registrar's office nearest you. You do not need to go to the local registrar in the county where you were born. If you do not have identification, you can have a witness accompany you to attest to your identity. Find your local Vital Records office online at [health.state.mn.us/people/vitalrecords/registrars.html](http://health.state.mn.us/people/vitalrecords/registrars.html).

### ***Birth Certificate from another State or Territory***

If you were not born in Minnesota, visit [www.cdc.gov/NCHS/w2w](http://www.cdc.gov/NCHS/w2w) and click on your home state or territory for more information on ordering a birth certificate.

### ***Social Security Card***

A social security card can be obtained from the U.S. Social Security Administration ([www.ssa.gov/ssnumber/](http://www.ssa.gov/ssnumber/)) with valid proof of legal U.S. citizenship or immigration status, age and identity.

### ***Minnesota Driver's License or Identification (ID) Card***

You can obtain a Minnesota driver's license or ID card from Driver and Vehicle Services. To apply, you can present a previous Minnesota driver's license, identification card or instruction permit (it must be current, expired for five years or less with a photo or expired for one year or less without a photo). If you do not have one of these items, you must present one primary and one secondary form of identification. The primary document must contain your full legal name (first, middle, and last) and the month, day and year of your birth. Call Driver and Vehicle Services

651-297-3298 TPP/TTY: 651-282-6555, visit [dps.mn.gov/divisions/dvs](http://dps.mn.gov/divisions/dvs), or email [DVSDriverslicense@state.mn.us](mailto:DVSDriverslicense@state.mn.us) for more information or for examples of primary and secondary documents. ■

## MINNESOTA SECURITY HOSPITAL

### Forensic Services in St. Peter, MN

Operated by the Minnesota Department of Human Services (DHS), Forensic Services consists of secure and non-secure treatment facilities located on the campus of the St. Peter Regional Treatment Center in St. Peter, MN. Forensic Services primarily provides treatment for individuals who have been civilly committed as mentally ill and dangerous. The goal of treatment is to prepare patients for a safe return to life in the community. Forensic Services is licensed by DHS and the Minnesota Department of Health.

A person may be committed as “mentally ill and dangerous to the public” (often called “MI & D”). The term *mentally ill and dangerous* refers to a person with a mental illness who presents a clear danger to the physical safety of others due to his or her illness. When the court commits someone as mentally ill and dangerous, it is for an indefinite period of time but reviewed every three years. The Special Review Board (SRB) reviews any requests to be moved or discharged. They may petition the SRB for a hearing once every six months.

In certain cases, a person may be civilly committed while serving a sentence in a correctional facility if they cannot function due to a mental illness. For more information about the civil commitment process, see NAMI Minnesota’s booklet, *Understanding the Minnesota Civil Commitment Process* (for a copy, visit [www.namimn.org](http://www.namimn.org) or call 651-645-2948).

### Family Involvement and Advocacy at Forensic Services

Forensic Services staff hold regular treatment team meetings for each patient. Impromptu meetings are held if acute or crisis situations arise. Family members can participate in treatment team meetings when desired by the patient and the family. Visiting rules and policies are available to all patients and family members upon request. For visiting information or to participate in treatment team meetings, family members can speak with treatment staff directly, or they can call the clinical director or the program director (507-985-2121).

If you have a concern about the treatment of a patient at Forensic Services, first try talking with your loved one's treatment team. This is usually the quickest way to resolve an issue. If this does not work, contact the clinical director, program director or patient advocate (507-985-2121). If those channels have not resolved the issue, you can call the Executive Director of Forensic Services or Medical Director (507-985-2121) or at the mailing address below:

### **Forensic Services**

100 Freeman Drive  
St. Peter, MN 56082

The Partners in Care Advisory Council, established in 2015, also meets monthly to provide input and make recommendations to leadership of Forensic Services on matters important to patients and their families and friends. If you would like to learn more about the council email Krista Goettl at [krista.l.goettle@state.mn.us](mailto:krista.l.goettle@state.mn.us).

If you would like to file a complaint outside the Forensic Services system you can contact either the Division of Licensing at the Department of Human Services or the Office of Health Facility Complaints. The appropriate office will investigate your complaint.

### **Division of Licensing**

MN Department of Human Services  
P.O. Box 64242  
St. Paul, MN 55164-0242  
651-431-6500  
651-431-7673 (fax)  
800-627-3529 (TTY/TDD)

### **Office of Health Facility Complaints**

P.O. Box 64970  
St. Paul, MN 55164-0970  
651-201-4201  
1-800-369-7994 (toll-free)  
Email: [health.ohfc-complaints@state.mn.us](mailto:health.ohfc-complaints@state.mn.us)

You can also contact the Office of the Ombudsman for Mental Health and Developmental Disabilities (651-757-1800 or 1-800-657-3506 or [ombudsman.mhdd@state.mn.us](mailto:ombudsman.mhdd@state.mn.us)) about concerns or complaints about services, questions about rights, grievances, access to appropriate services, general questions or information about services for people with disabilities. ■

## CONCLUSION

Advocating for someone in Minnesota's criminal justice system can be confusing, frustrating and overwhelming. It is important to find people who can help you understand the system and advocate for your loved one.

This booklet is not intended to provide legal advice. Its purpose is to help you understand the basic workings of the criminal justice system so that you can ensure that your loved one who is living with a mental illness has an opportunity to be diverted out of the criminal justice and into the mental health system or to receive mental health treatment while in the criminal justice system. If you have comments or suggestions for future printing of this publication, please contact the NAMI Minnesota office. ■

## COMMON TERMS

**Adjournment:** a postponement in a criminal case or the time between court dates.

**Allocution:** a defendant's right to make a personal statement at sentencing.

**Arraignment:** the first appearance before a judge after a person is arrested. Should be held within 36 hours of arrest. The purpose is to inform the defendant of the charges against them and decide the conditions under which they may be released.

**Arrest:** taking a person into custody so that the person may be held to answer for a public offense. Includes actually restraining a person or taking them into custody.

**Arrestee:** a person in custody following arrest.

**Arrest warrant:** a notice to the law enforcement officers that a person is wanted and should be sought out and arrested.

**Bail:** the amount of money a defendant must pay in order to be released from jail while a criminal case is pending. Designed to ensure that defendant does not run away.

**Bail bondsman:** a person who receives a nonrefundable fee, usually 10% of the bail ordered, to pay a bail on behalf of a defendant.

**Bench warrant:** a warrant issued by a judge, usually because an individual did not return to court when they were supposed to.

**Charge:** accusation relating to the specific law that a defendant is said to have violated.

**Civil commitment:** court-imposed treatment for people with mental illnesses who refuse or cannot seek treatment and are a danger to themselves or others due to their mental illness.

**Continuance:** a postponement in a criminal case or the time between court dates.

**Conviction:** having been found guilty of a crime.

**Defendant:** person charged with a crime.

**Detention:** being held in jail awaiting trial.

**Disposition:** the sentence received by a defendant after a finding of guilt.

**Felony:** a crime punishable by more than a year of incarceration.

**Forensic:** relating to the law or legal proceedings.

**General population:** the regular, unsegregated section in a jail or prison.

**Gross misdemeanor:** a crime punishable by imprisonment for one year, a fine of up to \$3,000 or both.

**Indictment:** an accusation in writing, presented by a grand jury to a competent court, charging a person with a public offense.

**Indigent:** poor, usually unable to afford an attorney.

**Inmate:** a person in jail or prison.

**Jail:** a local correctional facility where people awaiting trial and people sentenced to less than one year of incarceration or who have less than 18 months remaining to serve are held.

**Mentally ill and dangerous (MI & D):** a term that refers to a person with a mental illness who presents a clear danger to the physical safety of others due to his or her illness

**Misdemeanor:** an offense punishable by not more than 90 days of incarceration or not more than a \$1,000 fine or both.

**Parole:** supervision in the community of someone who has been released from prison.

**Plea bargain:** an agreement in which a defendant pleads guilty to an offense in return for a concession by the prosecutor (usually a better sentence than they would have received after losing a trial).

**Prison:** a state correctional facility where people convicted of felonies and sentenced to more than one year of incarceration are confined.

**Probable cause:** enough evidence to believe that a person committed a certain crime.

**Probation:** a sentence of supervision in the community which sometimes includes jail time.

**Prosecutor:** an attorney representing the “people of the state of Minnesota” whose job it is to prosecute people accused of crimes and to defend the interest of the community in public safety and quality of life. The prosecutor does not represent crime victims.

**Public defender:** a defense attorney who is paid by the government to represent criminal defendants who cannot afford to hire an attorney.

**Rap sheet:** the record of every time a person has been arrested and what happened in each case.

**Search warrant:** a written order allowing a law enforcement officer to search and hold any property seized.

**Sentence:** the punishment imposed at the conclusion of a criminal case.

**Suicide watch:** when a jail inmate who is believed to be potentially suicidal is checked regularly as a preventative measure. ■

## RESOURCES

### **NAMI Minnesota**

[www.namimn.org](http://www.namimn.org) 1-888-NAMI-HELPS

The National Alliance on Mental Illness of Minnesota (NAMI Minnesota) is a statewide grassroots organization that provides education, support and advocacy to children and adults with mental illnesses and their families. NAMI offers free education classes, support groups and information and advocates for an improved mental health system.

### **Minnesota Judicial Branch**

[mncourts.gov](http://mncourts.gov)

The judicial branch's mission is to provide justice through a system that ensures equal access for the fair and timely resolution of cases and controversies. Its website contains information about and links to courts around the state, along with information about attorneys, bail bond agents, court forms, etc.

### **State of Minnesota Board of Public Defense**

[www.pubdef.state.mn.us](http://www.pubdef.state.mn.us) 612-349-2565

The board's mission is to provide excellent criminal and juvenile legal defense services to indigent clients through an independent, responsible and efficient public defender system. You can obtain the locations and phone numbers of the public defender offices and legal defense corporations on its website.

### **Minnesota Department of Corrections**

[mn.gov/doc](http://mn.gov/doc)

This department is responsible for operation of adult and juvenile state correctional facilities; provision of probation, supervised release, and parole services; administration of the Minnesota Community Corrections Act; and provision of assistance and guidance on a statewide basis in the management of criminal justice programs and facilities. At its website, you can learn about each of the facilities, which ones have mental health units (such as Oak Park Heights) and directions to them.

### **Minnesota Department of Human Services**

[mn.gov/dhs](http://mn.gov/dhs)

The department helps people meet their basic needs by providing or administering health care coverage, economic assistance and a variety of services for children, people with disabilities and older Minnesotans. You can obtain a list of mental health providers in the state and applications for health care programs from its website.

## **Bazelon Center for Mental Health Law**

[www.bazelon.org](http://www.bazelon.org)

The mission of the Judge David L. Bazelon Center for Mental Health Law is to protect and advance the rights of adults and children who have mental disabilities. The center envisions an America where people who have mental illnesses or developmental disabilities exercise their own life choices and have access to the resources that enable them to participate fully in their communities.

## **GAINS Center**

[samhsa.gov/gains-center](http://samhsa.gov/gains-center)

The center's primary focus is on expanding access to community-based services for adults diagnosed with co-occurring mental illnesses and substance use disorders at all points of contact with the justice system. The center emphasizes the provision of consultation and technical assistance to help communities achieve integrated systems of mental health and substance abuse services for individuals in contact with the justice system.

## **Justice Center—The Council of State Governments**

[csgjusticecenter.org/topics/mental-health/](http://csgjusticecenter.org/topics/mental-health/)

The Council of State Governments Justice Center, features a national effort to help local, state and federal policymakers and criminal justice and mental health professionals improve the response to people with mental illnesses who come into contact with the criminal justice system.

## **The Innocence Project**

[www.ipmn.org](http://www.ipmn.org)

Established in 2002, the Innocence Project of Minnesota (IPMN) is a private, volunteer-based, nonprofit 501(c)(3) organization that provides free investigative and legal assistance to prisoners trying to prove their innocence. IPMN investigates potential claims of wrongful conviction from prisoners convicted of crimes in Minnesota, North Dakota and South Dakota.

## **Minnesota State Bar Association**

[www.mnbar.org](http://www.mnbar.org)

The Minnesota State Bar Association has a Lawyer Referral Service that provides the names of lawyers who practice a particular type of law in the county chosen by a member of the public. If there is no match in the specific county selected, the system will provide a list of lawyers in other parts of Minnesota who practice the type of law requested. LRS

is not a reduced-fee or free service; you will need to discuss with the lawyer their fees when you meet.

### **Minnesota Freedom Fund**

[minnesotafreedomfund.org](http://minnesotafreedomfund.org)

The Minnesota Freedom Fund pays criminal bail and immigration bond for those who cannot afford to and seeks to end discriminatory, coercive, and oppressive jailing. They primarily work in Hennepin and Ramsey County but are beginning to expand in 2020.

### **Photopatch Foundation**

[photopatch.org](http://photopatch.org)

Photopatch Foundation provides a way for children to communicate with their parents in prison free of charge. Children can write letters or make pictures and upload them to Photopatch and the organization will take care of the packaging and sending. Original content must follow prison communication guidelines. Photopatch also has a mobile app available on iPhones and Androids.

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National Alliance on Mental Illness

## MINNESOTA

1919 University Ave. W., Suite 400

St. Paul, MN 55104

Phone: 651-645-2948

Toll Free: 1-888-626-4435

Fax 651-645-7379

E-mail: [namihelps@namimn.org](mailto:namihelps@namimn.org)

Web: [www.namimn.org](http://www.namimn.org)

