Twitter Thread by Public Defendering



Public Defendering
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Just got off the phone with a client who hasn't been able to call because the jail has been taking his money for his meds.

In jail pretrial, they won't continue you on any medicine you were on previously. You are abruptly taken off because you aren't allowed to take your meds.

No regard for what abrupt discontinuation of meds will do (from what I've seen can range from delusions, delirium, psychosis, suicidal thoughts to actual suicide.) You stay like this while waiting to see medical which can take 20 days-month(s). Longest I've seen was 3 months.

After seeing medical, your scripts are often changed to different brands, doses reduced, and only administered once a week. So if you were prescribed something for bipolar— you'd get your one (smaller different brand) dose once a week.

You are then billed for that visit to medical + that medicine that's administered once a week which is deducted from any money you have in your commissary. Then whatever remains is an open bill which will be taken should your family put more money on your books.

Your commissary is the only money you can access in jail— not only is this how you call home, how you video visit during a pandemic (because in person isn't allowed), how you get utensils, paper, etc. to write home, but also how you buy necessities that the jail doesn't provide

Like— soap, yes you have to buy your own soap in jail. They do not provide you soap. Soap, toilet paper, shampoo, tampons, conditioner, deodorant, shower shoes (in that nasty ass shower), etc. You won't be able to bathe or wipe your ass without your family putting in money

It's truly messed up that someone can be detained pretrial, have their own meds that were provided by a doctor according to their needs and paid for, but because they are in jail, they have to see a medic that they have to pay for to get new meds that they have to pay for

Money aside, the horrors I have seen with this — with switch people's meds, not giving them the needed dose, and only giving a "top off" dose once a week or once every two weeks. You see people who are TRULY mentally disabled having

mental episodes because of this

I've had clients that by months of this abuse In court they couldn't speak, were curled in a ball on the ground, didn't know their name, shaking and crying, seeing things, where even the bailiffs and guards were begging me to get them out because it was so bad for them inside.

There are so many issues with this but this is also why you don't call the police when you see someone having a mental episode. They will not be helped in jail. In fact that is absolutely one of the places that they will be made worse.

Dont expect humanity from a system that has none to give. Don't send your mentally ill or your addicted there.
Every client I've had that died by suicide while incarcerated was having severe DTs due without any medical treatment whatsoever(it takes at least 20-30 to see medical)

No one should be in jail but specifically no one mentally ill should be in jail. Prison exacerbates mental illness symptoms. What I see at the beginning compared to what I see in a months time in court is shocking and heartbreaking what this system does to our mentally ill.

And anyone who knows anything about mental illness, medicine regulation, and how hard it is to achieve that... should be horrified that the system is treating people with diagnosed mental illnesses this way, people who come in with medicine or have families that drop off medicine

Only to be ignored by the jail, ignored, and medicated once every 2 weeks maybe with a different dosage — it's the bare minimum to be able to say they are providing mental health care when ruled in before the judge at our request.

Another issue I've run into after clients were abruptly taken off their meds and thrown into shock is often they are not fit (physically, mentally, or psychologically) to take a plea or make any decisions in their case. More often than not, they were at initial meeting with me

But after the shock of discontinuing their meds, they aren't any longer. Then decisions have to be made but any of these decisions all involve more time in jail, even when a credit for time served plea is on the table because they aren't fit to take it. All due to the jail. Bs

An example of this was a client that was taking a CFTS plea, during the plea colloquy was seeing things (he told me he was) and he was obviously getting nervous, nervously looking around in horror. The judge asked him why he did what he did- he said he saw the devil

Then to explain what he meant said I see things right now you have horns. The judge convinced he was just acting up despite my objections and insistence he wasn't, sent him back to the jail and reset for 3 months later.

When I insisted to the judge that the jail took him off his meds and this was the result, he demanded I file a sanity which at minimum takes 6 months. All this Despite having a credit for time served plea on the table where this client gets out. All this because the jail.

Either way the client was now forced to be in jail at least 3 months-6 months despite being able to leave that very day.

No one could extend him even an ounce of humanity, a crumb of empathy, nothing.

When I referenced “sanity” above I was referencing a tool used to determine whether a defendant is competent to proceed and has the capacity to understand the proceedings against him or to assist in his defense.

When these clients are taken off their meds and come into court wanting to take a plea, even with a plea on the table, the court can choose to not take the plea, and order a “sanity commission” be formed to determine whether they are competent to take the plea.

At which the court won’t accept their plea (won’t allow them to plea) and has ordered the sanity so they have to go back to jail for the 6 months (at minimum) for a sanity to be completed.

After the determination is made by the sanity, if he’s determined to be competent he can then take his plea. But by this point he’s been in jail for an extra 6 months on top of the previous 3-5 he already had. This is done so clients plea can’t be overturned later.

It’s all terribly sad. Client comes in competent, jail takes off meds and renders him less competent, longer he waits the worse it gets, gets to court after 3-4 months, judge refuses get out of jail plea because maybe incompetent, gets 6 month test, finds competent, pleas to same

Endorsement by fellow public defender: https://t.co/VMIDjr3BKA

> I\u2019ve been doing public defense for over 16 years straight. I endorse every word of this horrifying account. This really happens. https://t.co/Uw6cwHCKVB
>
> — Bear Wilner-Nugent (@Bonobo23) December 23, 2020