

WHAT IF THE POLICE COME TO TAKE YOU TO THE HOSPITAL?

Everything else you may do depends on staying as calm as possible. You are probably in the middle of a very stressful situation to begin with. Having someone you know call the cops on you quite naturally upsets you even more. It doesn't help calm you down when several police arrive instead of just one. (Actually, there is a good reason for this. The police don't know what to expect, and several of them together have a better chance of being able to restrain a person if necessary without hurting him or her.) You may be further aggravated if the police act or talk in a way that is insensitive or intimidating.

So, even if this is the sanest day of your life, you have a lot of good reasons to be upset. However, you have even better reasons to act calm. Everything you say or do may go into a psychiatric report later. Besides, the more excited you act, the more likely the police are to interpret your behavior as evidence that they really should take you to the hospital. The fact that this is not fair or logical is not going to help you much. What will help is to take a few deep breaths, put on your most businesslike manners, and discuss the situation with the police.

First, decide whether you want to go to the hospital. Visiting a psychiatric emergency room is not always the right answer, but it is not always the wrong answer, either. If you feel the need to go to the hospital, tell the police that you are going with them voluntarily.

If you do not feel that you need to go to the hospital, ask the police whether they intend to take you into custody. Explain to the police that you will not go voluntarily, but if you are being taken into custody, you will go quietly and not resist.

If the police are going to take you to the hospital against your will, they will be **taking you into custody**. They can do that without violating your Constitutional rights, but only if they have **good reason to believe that you are a danger to yourself or others** because of mental illness.

If you do not wish to go to the hospital, but the police indicate that they are prepared to take you into custody or take you to the hospital against your will, explain that you are not a danger to yourself or others and there is no good reason for them to believe that you are. The police might think that they have a good reason ("probable cause") based on what the person who called them has said. However, that person may have not psychiatric training at all and may have his or her own reasons for saying -- or even believing -- that you are dangerous. If so, point this out to the police. What you say may convince the police, but just the fact that you are able to **discuss the matter with them rationally** is even more likely to convince them. You are also putting them on notice, in a non-threatening way, that you know the relevant legal standards and are prepared to stand up for your rights.

If the police insist on taking you to the hospital against your will, **get names and badge numbers** for as many of them as possible. Write this information down if you can. Also, do your best to remember what the police looked and sounded like, especially those whose names and badge numbers you did not get.

If you are going to the hospital with the police, voluntarily or involuntarily, go quietly, and ask them not to make matters worse for you by restraining you unnecessarily. Use the trip to the hospital to try to calm yourself even further by taking deep breaths or doing whatever works best for you.

When you arrive at the hospital, the first thing you should know is that you can refuse medication as long as your behavior does not convince the doctors that there is an emergency, so again, *stay calm*.

Ask to be seen by a doctor as soon as possible, and repeat to the doctor the same things you explained to the police. Again, be as calm and businesslike as you can manage to be. Remember the name of the doctor, and any other hospital employee you talk to. Write down the names if possible. Again, you should also try to remember the descriptions of the people you talk to, especially if you are not able to get their names.

The second thing to remember is that you have a right to free legal representation. Ask to use a phone and contact Mental Hygiene Legal Services for a lawyer as soon as possible. MHLS is not part of the hospital, and there is no fee. It is open 9:00 a.m. to 5:00 p.m., Monday through Friday. Call:

Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Madison, Montgomery, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Sullivan, Tioga, Tompkins, Warren, Washington, Ulster:

MENTAL HYGIENE LEGAL SERVICE
Third Judicial Department
P.O. Box 7028
Capital Station Annex
Albany, New York 12225
[518] 474-4453

Bronx and Manhattan:

MENTAL HYGIENE LEGAL SERVICE
First Judicial Department
41 Madison Avenue
New York, New York 10010
[212] 889-6486

Allegheny, Cattaraugus, Cayuga, Chautaugua, Erie, Genesee, Herkimer, Jefferson, Lewis, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, Wyoming, Yates:

MENTAL HYGIENE LEGAL SERVICE
Fourth Judicial Department
101 Plaza Offices
125 St. Paul Street
Rochester, New York 14604
[716] 454-1898

Dutchess, Kings, Nassau, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester:

MENTAL HYGIENE LEGAL SERVICE
Second Judicial Department
170 Old Country Road
Mineola, New York 11501
[516] 746-4545

If you do not have the number you need with you, check the statement of patient rights on the Emergency Room wall. Be prepared to keep insisting, calmly but firmly, until you actually get to talk to a lawyer.

Your MHLS lawyer will advise you about your rights as a patient and will advocate to get you out of the hospital as quickly as possible. This may involve a hearing before a judge.

If you want to sue someone for violating your rights, prepare a carefully written statement of everything that happened. Then, call the New York City Bar Association's lawyer referral service (212/382-6625). Ask for attorneys who might handle a "tort" case and explain very briefly how you think your rights were violated. If you are too poor to afford legal fees, ask about a "contingency fee" (usually about one-third of what you win if you win anything), and a half-hour consultation for free instead of for the usual \$25 or \$30 charge.