

**Our Movement. Our Moment.**

**#NAMICON19**



**2019 NAMI  
National  
Convention**  
JUNE 19–22 • SEATTLE

# Welcome to 2019 NAMI National Convention

## **Navigating the Justice System with Mental Illness**

**Jennifer E. Longtin, Esq.**

Our Movement. Our **Moment.**

**#NAMICON19**



**2019 NAMI  
National  
Convention**

JUNE 19–22 • SEATTLE



## **COMPASSIONATE CRIMINAL DEFENSE**



## Intersections of The Criminal Justice System with Mental Health/Acute Illness

- Welfare Checks
- Hospitalization
- Competency
- Insanity/ NGRI
- Sentencing and Mitigation

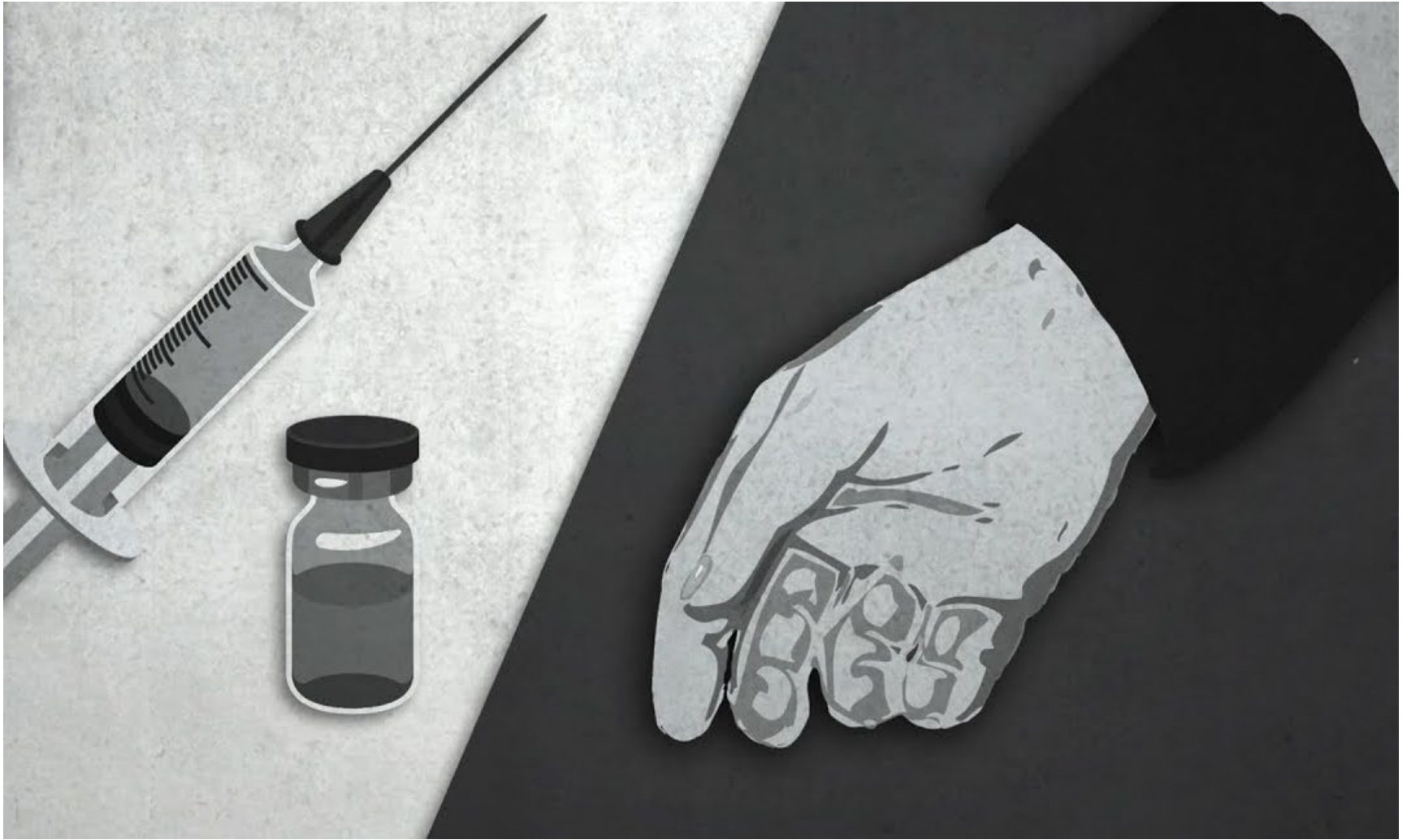


## Welfare Checks and Hospitalization Issues

- Crisis Intervention Teams- Calling for Help
- Suicide Hotlines
- Civil Hold Hospitalization
- Forced Medication
- Weapons Interventions











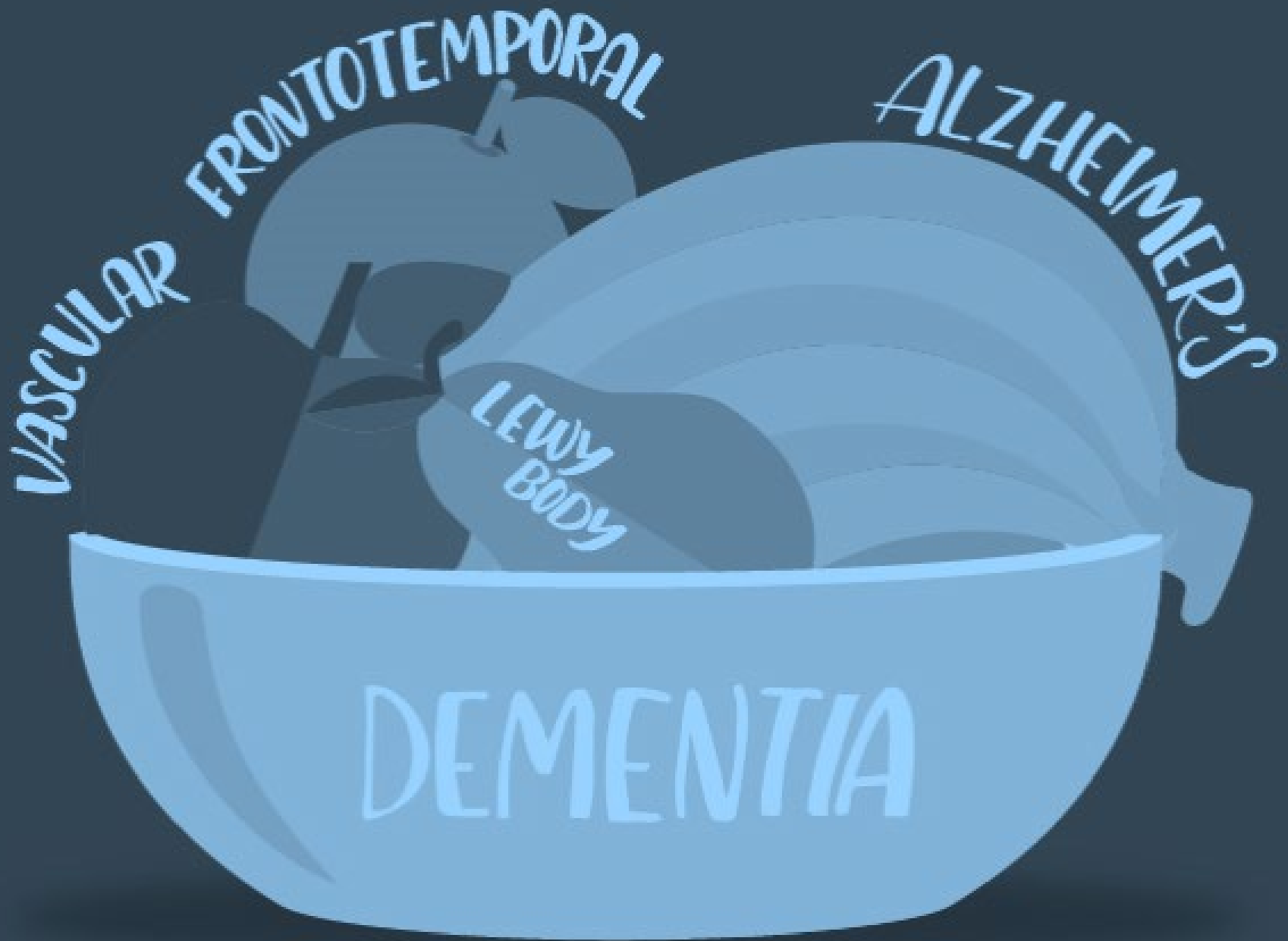
## COMPETENCY TO STAND TRIAL

- *Dusky v. U.S.*, 362 U.S. 402 (1960)
- “It is not enough for the district judge to find that ‘the defendant is oriented to time and place and has some recollection of events,’ but that the ‘test must be whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding- and whether he has a rational as well as factual understanding of the proceeding against him.’”

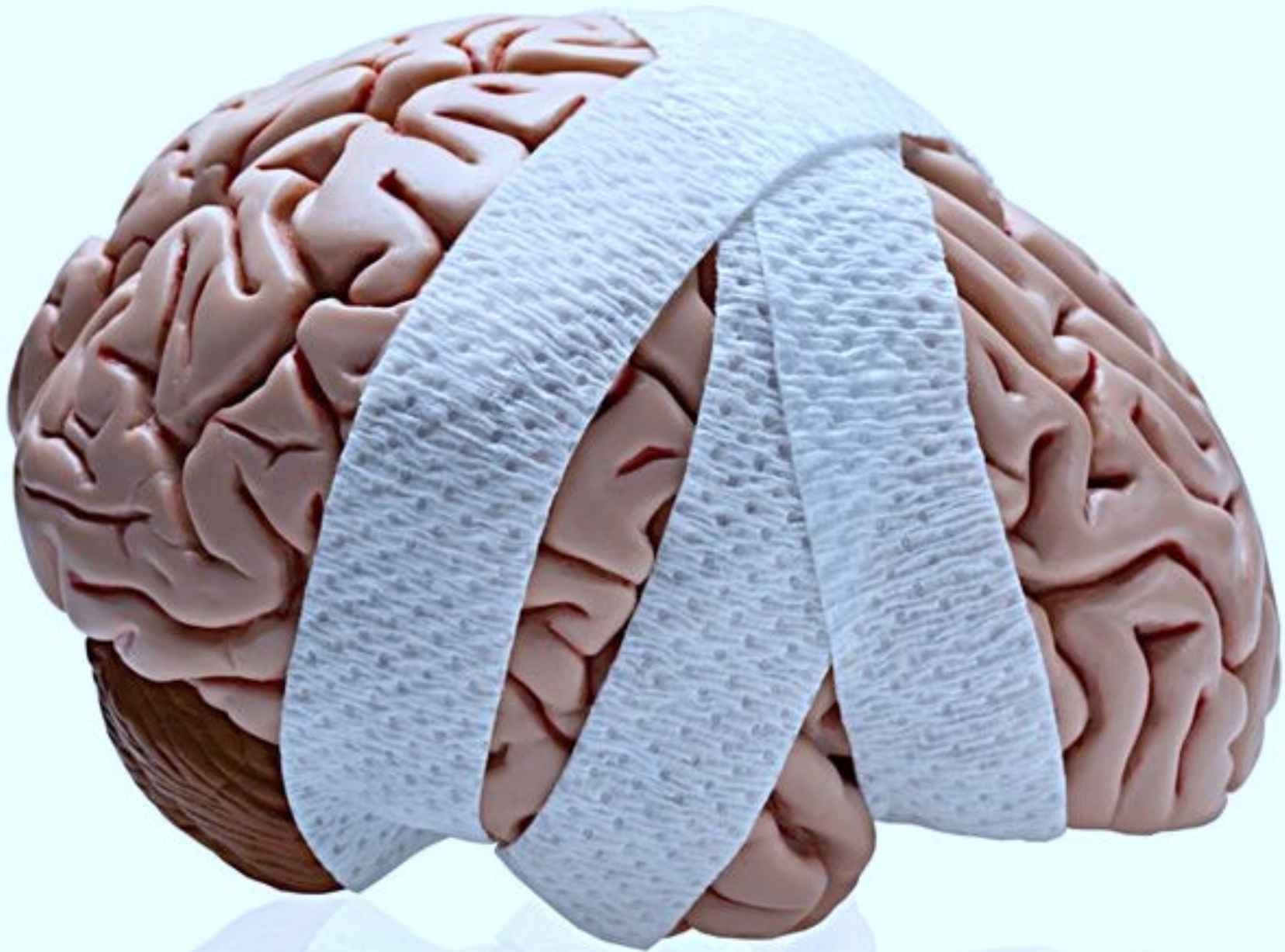














2.

ous, unsalubri-  
terious, injuri-

**insanity, n.**



## INSANITY OR NOT GUILTY BY REASON OF INSANITY

- **M’Naghten Test:** (originally from English Common Law) A defendant should not be held responsible for his actions only if, as a result of his mental disease or defect, he (i) did not know that his act would be wrong; or (ii) did not understand the nature and quality of his actions.
- **Model Penal Code Test:** A defendant is not responsible for criminal conduct “if at the time of such conduct as a result of a mental disease or defect he lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law.”
  - Takes into account both volitional capacity and cognitive capacity



Depending on state law, a plea of insanity, or not guilty by reason of insanity, will subject you to supervised mental health treatment, institutionalization, and ongoing monitoring of your mental health and state.

**Our Movement. Our Moment.**

**#NAMICON19**



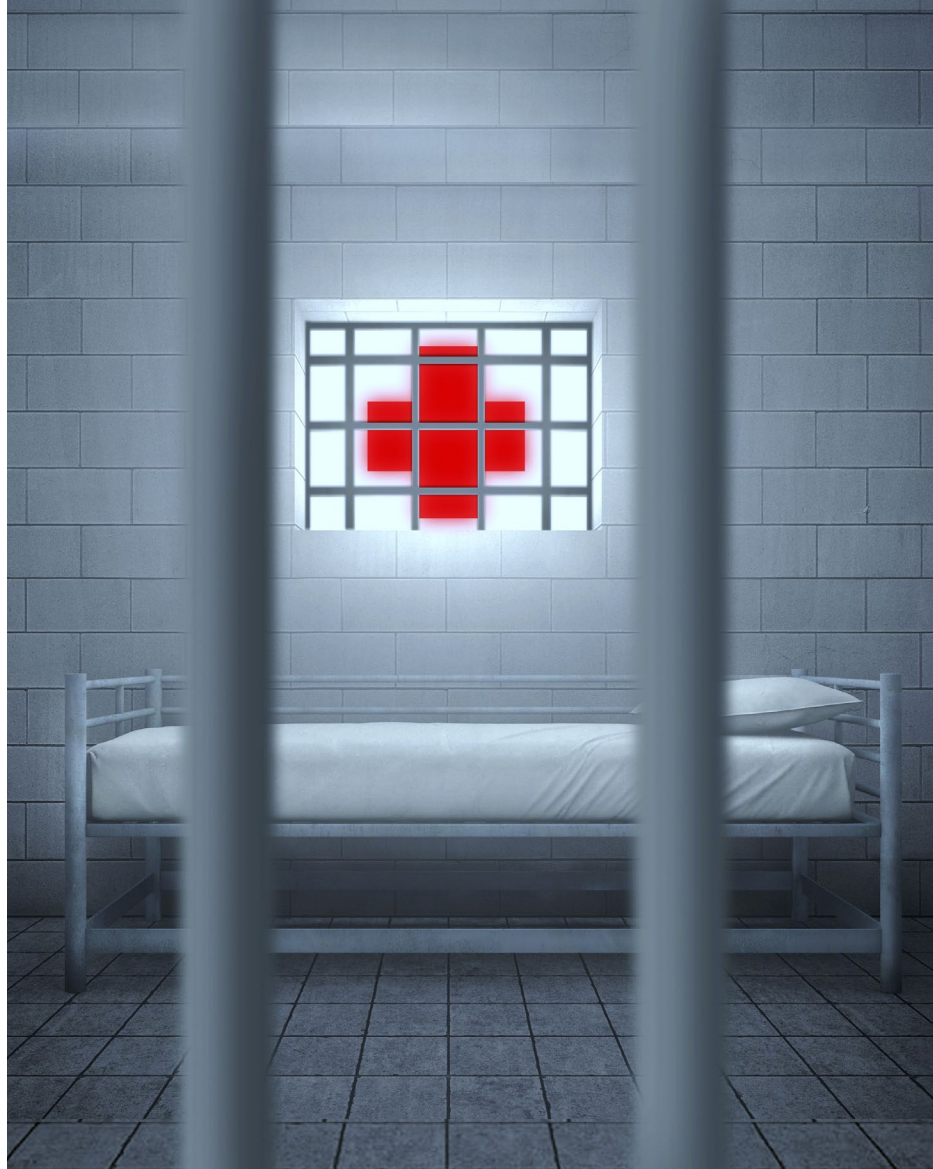
**2019 NAMI  
National  
Convention**  
JUNE 19–22 • SEATTLE

# Mitigation and Getting Through the System













**#END THE  
STIGMA.**





**Our Movement. Our Moment.**

**#NAMICON19**



**2019 NAMI  
National  
Convention**  
JUNE 19–22 • SEATTLE

# Thanks!

**Jennifer Longtin**

303.747.6898

[jen@jlongtinlaw.com](mailto:jen@jlongtinlaw.com)

[www.mentalhealthcriminaldefense.com](http://www.mentalhealthcriminaldefense.com)



# Please take a few minutes to give us your feedback about this session

There are **two ways** you can give us your feedback:

1. Download the NAMI Convention App and rate the session in real time:

### App Download Instructions

Visit your App Store and search for the “Aventri Events” app. Download the app and enter Access Code: 778151 or scan the following QR Code:



2. You can also evaluate the session on your computer. Go to: [www.nami.org/sessioneval](http://www.nami.org/sessioneval), select the session and click “Rate This Session.”