

# POCOLA POLICE DEPARTMENT

## POLICIES AND PROCEDURES

<b>SUBJECT</b>	<b>HANDLING MENTALLY ILL PERSONS</b>		
<b>NUMBER:</b>	<b>12.000</b>	<b>EFFECTIVE DATE:</b>	<b>12/17/2015</b>
<b>SCHEDULED REVIEW DATE:</b>	<b>06/17/2016</b>	<b>ISSUE DATE:</b>	<b>12/17/2015</b>
<b>DATE REVIEWED:</b>		<b>REVISION DATE:</b>	
<b>APPROVED BY:</b>	<b>Chief Steve Howard</b>		

### I. Purpose and Scope

- A. The purpose of this policy is to provide officers with the resources necessary to effectively assist persons who appear to need some type of mental health service. This policy provides officers information on legal and procedural requirements which may assist them in providing a higher degree of service to our citizens.
- B. This policy does not prevent or inhibit the placing of criminal charges against any person, due to mental illness. The determination of mental capacity, in regard to criminal proceedings, is a matter for consideration by a criminal court, and is not relevant to the civil commitment provisions contained in this policy.

### II. Policy

- A. It is the policy of the Pocola Police Department to make reasonable efforts to protect emotionally disturbed or mentally unstable persons from harming themselves or others. When an officer has probable cause to believe that an emotionally disturbed or mentally unstable person presents an immediate threat of harm to himself or others, that person may be taken into immediate custody, under the provisions of Oklahoma State Statute Title 43A § 5-207, which includes the responsibility to transport such patients to and from Oklahoma department of Mental Health designated sites for examination and detention.

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**III. Definitions**

- A. Mental Illness – is a substantial disorder of thought, mood, perception, psychological orientation or memory that significantly impairs judgement, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.
  
- B. A “person requiring treatment” - is a person who because of his or her mental illness:
  - 1. Poses a substantial risk of immediate physical harm to self as manifested by evidence or serious threats of or attempts at suicide or other significant self-inflicted bodily harm;
  - 2. Poses a substantial risk of immediate physical harm to another person or persons as manifested by evidence of violent behavior directed toward another person or persons;
  - 3. Has placed another person or persons in a reasonable fear of violent behavior directed towards such person or persons or serious physical harm to them as manifested by serious and immediate threats;
  - 4. Is in a condition of severe deterioration such that, without immediate intervention, there exists a substantial risk that severe impairment or injury will result to the person; or
  - 5. Poses a substantial risk of immediate serious physical injury to self or death as manifested by evidence that the person is unable to provide for and is not providing for his or her basic physical needs.
  
- C. Unless a person also meets the above-listed criteria, a person requiring treatment shall not mean:
  - 1. A person whose mental processes have been weakened or impaired by reason of advanced years, dementia, or Alzheimer’s disease;
  - 2. A mentally challenged or developmentally disabled person as defined in Title 10 of the Oklahoma State Statutes;
  - 3. A person with a seizure disorder;
  - 4. A person with a traumatic brain injury (TBI); or
  - 5. A person who is homeless.

**IV. Emergency Detention Procedures**

- A. Any officer who reasonably believes that a person is a “person requiring treatment” as defined in Section III of this policy shall take the person into protective custody.
  
- B. Officers may base their determination on personal observations or the statement of a third party. The mental health history of the person may be used as part of the evidence to determine whether the person is a person requiring treatment. The mental health history of the person shall not be the sole basis for this determination.

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- C. **Officers shall make every reasonable effort to take the person into custody in the least conspicuous manner.**
  
- D. When an officer takes a person into protective custody based upon personal observations, the officer will complete a Peace Officer's Affidavit for Emergency Detention and shall include the observations that led the officer to believe the person is a person requiring treatment. When an officer takes a person into protective custody based solely on the observations of a third party, the officer shall (1) have the third party complete and sign a Third Party Statement Form, (2) ensure the third party is a credible source for the information they provided, and (3) verify the third party's statement describing the person in crisis meets the criteria for taking one person into protective custody.
  
- E. Officers will complete a thorough Incident Report in all situation where they have make a determination whether a person is a person requiring treatment, regardless of whether the person is ultimately taken into custody and regardless of whether the determination was based upon the officer's personal observations or the observations of a third party.
  
- F. Officers will transport the person in protective custody to an appropriate mental health facility. Officers shall provide the mental health facility with the Peace Officer's Affidavit for Emergency Detention and/or the Third Party Statement Form.
  
- G. A licensed mental health professional will examine the person and determine if the person is in need of treatment. The mental health professional will complete and sign the licensed mental health professional statement, petition, and verification form and may retain the person requiring treatment in the facility. If the individual is deemed not to be in need of treatment, the facility will make arrangements to have the person released. However, if transportation cannot be arranged, an officer will transport the individual to the original location where the custody took place.
  
- H. If an officer encounters a mentally unstable suspect on a call involving a felony or violent misdemeanor criminal matter, the officer will handle the person as in any other criminal investigation. The officer shall advise a jail supervisor that the arrested person may be mentally unstable and document in the arrest report why the officer believed the person may be mentally unstable. If the person also meets criteria for emergency detention, the officer shall complete a Peace Officer's Affidavit and turn it in during jail booking.

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**V. Mental Health Transports and Subject Stability**

- A. Pocola Police Department officers shall contact the Chief of Police or his designee if the officer believes the person requiring that have been called to transport from a hospital emergency room or mental health facility to another facility is not medically or mentally stable enough to allow for safe transport in a police vehicle. This would include being ambulatory. In these situations, the Chief of Police or his designee will respond to the hospital or facility and discuss these concerns with the medical and/or mental health professionals involved, or their supervisor, to determine whether the person requiring treatment’s medical and/or mental condition is stabilized for transport and evaluate whether the transfer to another facility by department vehicle is appropriate. Additionally, the Chief of Police or their designee will ensure the information surrounding the person requiring treatment’s condition is relayed to the receiving facility for admittance approval prior to the transport taking place. In these cases the Chief of Police or his designee will determine a reasonable ad safe means in which to transport the person requiring treatment to the receiving facility. If a designee of the Chief of Police makes this determination, they will complete a supplemental report detailing their actions.

**VI. Mental Health and Transports outside Pocola Police Department’s Jurisdiction**

- A. Oklahoma State Statute Title 43A § 1-110 requires local police departments to respond to mental health calls occurring within their jurisdiction. This includes public places as well as private dwellings, hospital emergency rooms, doctor’s offices, community mental health centers, etc. The statutory requirement includes the responsibility to transport such patients to and from Oklahoma Department of Mental Health designated sites for examination and detention.
- B. Occasionally circumstances or private emergency rooms require/request our department transport a person requiring treatment to a facility outside the jurisdiction of Pocola Police Department. If such a request is received, the primary officer on the call will notify the Chief of Police or their designee. If unable to locate a facility in the nearby surrounding area, the Chief of Police or their designee will complete travel orders for the mental health transport.
- C. Persons requiring treatment often present condition for their transport that dictates special care and attention during transports. Officer s are only required to transport subjects from a mental health facility or hospital to another mental facility or hospital only when it has been confirmed the following criteria are met:
  - 1. Voluntary /involuntary status of the subject is verified with the requesting mental health professional.
  - 2. Clinical condition of the person requiring treatment is determined prior to officers taking custody, i.e. conditions of the subject that may need monitoring during transport are not a deterrent to the safety of the subject or officers.

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3. Arrangements have been made between the two facilities.
  4. The transport vehicle must be equipped with a barrier between the officers and the subject.
  5. Obtain travel orders.
- D. If the person requiring treatment and the involved agencies meet the criteria for transport the following procedures will be adhered to by Pocola Police Department officers:
1. Points of contact are confirmed and noted; names of requesting/receiving facility, names of requesting/receiving mental healthcare professionals, phone contact numbers for requesting/receiving mental healthcare professionals.
  2. Emergency communications information is established when travelling outside the jurisdiction of Pocola Police Department – local law enforcement agency numbers, radio channels and advising Pocola Police Department dispatch of the transport details, route, departure time, arrival time, etc.
  3. Officers shall use caution when transporting mentally ill subjects due to the potential threat of destructive and/or dangerous behavior the subject may pose to themselves or the officers. Officers should evaluate each transport individually and take appropriate restraint measures to protect their safety and the safety of the subject.
  4. Explain to the person requiring treatment the following:
    - a. Identify yourself as a Pocola Police Department police officer and explain to the subject they are in custody and the custody is not a criminal arrest.
    - b. The name of the facility to which the subject is being transported.
    - c. The transport is for an examination of the subject by mental health professionals.
- E. All personal property of the person requiring treatment will be collected by the officers and will accompany the subject to their destination where it will be turned over to the receiving agency.
- F. Weapons, or other items which could be used to inflict injury, shall be removed from the person requiring treatment and secured by officers prior to transporting the subject. Officers will book weapons or other potentially hazardous items into evidence according to the written policies and procedures and Pocola Police Department.

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- G. Should the person requiring treatment display the potential for violence, they shall be transported using appropriate restraints and security measures to ensure the safety of the subject, officers, and others.
- H. The officers will take any additional safeguards necessary at the receiving facility to ensure a safe transition and notify the receiving agency of any medical problems and potential security hazards the subject presents.
- I. Juvenile persons requiring treatment shall be processed in the same manner as adults but with due regard as the individual's age and mental state.
- J. Any officer making a mental health transport must complete a through Incident Report. The Incident Report will include but not limited to the following:
  - 1. Transport vehicle type and vehicle number.
  - 2. Total mileage of transport.
  - 3. All stops scheduled and unscheduled.
  - 4. Use of restraints and/or additional security measures utilized for officer/subject safety and the person requiring treatments behavior or demeanor motivating the use of additional precautions.
  - 5. Point of contact information for the requesting facility and the receiving facility.
- K. In the event transporting officers use force during a mental health transport and the use of force occurred outside the jurisdiction of Pocola Police Department, officers shall proceed in accordance with the Pocola Police Department Response to Resistance Policy 4.001. In addition to compliance with 4.001, the following procedures shall be adhered to:
  - 1. If the subject requires medical attention, the officers shall contact local emergency services and ensure medical assistance is dispatched.
  - 2. The transporting officers(s) shall immediately contact the Chief of Police and/or his designee and advise them of the incident.
  - 3. The Chief or his designee shall respond to the scene, and conduct a Response to Resistance Investigation in accordance with 4.001.
  - 4. If criminal charges against the subject are appropriate, the Chief of Police or his designee shall be responsible for ensuring the law enforcement agency with jurisdiction where the Response to Resistance occurred is notified.
  - 5. If applicable, the agency with jurisdiction will be responsible for conducting the criminal investigation.
  - 6. If the subject is not charged or charged by the investigating agency but released in the field, the transporting officer(s) will continue with and complete the mental health transport.

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7. If the subject is charged by the investigating agency and to be detained in jail, the investigating agency will take custody of the person requiring treatment and transport him or her to the appropriate jail.
8. If the subject is detained by the investigating agency, the Chief of Police or his designee will contact the arresting agency to make arrangements for the completion of the mental health transport upon release. If the arresting agency is unwilling or unable to complete the mental health transport, the Chief or his designee will arrange to have our department notified upon release so that we can arrange to complete the transport.
9. If officers are unable to contact the Chief of Police or his designee, they shall attempt to contact dispatch. If officers are unable to establish any communication, they shall proceed to the nearest location where they are able to do so.

**VII. Attempted Suicide Calls**

- A. Cases involving an attempted suicide will be treated the same as those involving a person requiring treatment.
- B. When an officer confronts a person who is talking of committing suicide and no overt act has occurred, no one is present to give a third party statement, and the officer is of the opinion that the person is not presently a threat to himself/herself or others, the officer can advise the family members of the statement and release the person to the custody of the family with a referral to a Mental Health Center. A thorough Incident Report will be written regarding the incident and will include an explanation why the person did not meet emergency detention criteria.
- C. When an officer is of the opinion that the person is serious about committing suicide, the person will be placed in protective custody in accordance with Section IV.
- D. When a person has committed an overt act, the officer's first responsibility will be to get medical aid for the person.
- E. In all cases, the officer will complete a through Incident Report.

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**VIII. How to Handle the Mentally Ill**

- A. A police officer must not only be able to recognize abnormal behavior of a mentally ill person, but also be prepared to guard, restrain, or take into custody someone whose behavior suggests the presence of mental illness. The following are suggestions for handling these difficult situations:
  - 1. More than one officer should answer calls involving known emotionally disturbed individuals. If it is not known that the call involves a disturbed person, the officer who arrives first on the scene should immediately ask for backup. If only one Pocola Police Department officer is on duty, the officer should notify dispatch to request assistance from the nearest officer available from neighboring agencies, such as LeFlore County Sheriff’s Department, Choctaw Nation Tribal Police, Arkoma Police Department, or an off duty Pocola Police Department officer.
  - 2. Stay with the disturbed individual until additional help arrives. If necessary, ask someone to phone for assistance rather than leave the person.
  - 3. Move slowly. Resist the impulse to do something immediately. With the emotionally disturbed, it is better to take time and to carefully assess the situation. Immediate action is only necessary when handling an immediate danger.
  - 4. Reassurance is important. Remember that acutely disturbed individuals are generally very frightened.
  - 5. Solicit help from friends, relatives, and others acquainted with the emotionally disturbed individual. The time spent in getting this help may make the task easier and prevent violence and harm from coming to the individual, yourself, or others.
  - 6. Deception is often a poor tool to use with a mentally disturbed individual. If the individual knows you are being deceptive it could make the situation more difficult and create a barrier to his/her willingness to accept future help.
  - 7. Do not rely on your firearm. The threat of a gun is quite meaningless to a person who is acutely disturbed. The individual may grab it and use it or you may be tempted to use it. A firearm should be only used in the rare situation when it is necessary to save a life.

**IX. Response to Resistance Involving Pocola Police Department Officers**

- A. If a Handling Mentally Ill Persons call involving a Pocola Police Department officer results in the need for a Response to Resistance, standard procedures will be followed per Pocola Police Department protocol 4.001. The Chief of Police or his designee will conduct the follow-up investigation.

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