



IRONDEQUOIT POLICE DEPARTMENT GENERAL ORDER

General Order: 446	Effective Date: March 23, 2006
Subject: Mental Hygiene Procedures	
Reference Standards:	
Rescinds: G.O. 446 distributed January 16, 2003	
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I. POLICY

Members of the Irondequoit Police Department will be understanding of and attentive to the problems of a person experiencing mental or emotional difficulties and who may require police assistance.

II. PURPOSE

- A. To ensure that the members of the Department use sound judgment and discretion when exercising their powers of arrest under the New York State Mental Hygiene Law without compromising the officers' or patients' safety.
- B. To ensure that members of the Department making an arrest or returning an individual to a mental health facility pursuant to the New York State Mental Hygiene Law will share information surrounding the individual's conduct and/or arrest with hospital personnel involved in the evaluation.

III. DEFINITIONS:

- A. Mental Illness: A disorder in which an individual experiences periodic problems with feeling, thinking, or judgment to such an extent that the person afflicted requires care, treatment, and rehabilitation. Mental illness may range from being acute and limited to chronic and lifelong. Mental illness may occur in anyone.
- B. Emotionally Disturbed Person (EDP): An emotionally disturbed person is an individual who is experiencing stress from one or more of the following factors: a mental illness, a medical condition, substance abuse, or situational stress.
- C. Facility: "...Any place in which services for the mentally disabled are provided and includes, but is not limited to, a psychiatric center, developmental center, institute, clinic, ward, institution, or building, except that in the case of a hospital... it should mean only a ward, wing, unit, or a part thereof. It should not include a place where the services rendered consist of solely non-residential services..., nor shall it include domestic care... to a person in the home."(NYSMHL Article 1 § 1.03(6))
- D. Emotionally Disturbed Persons Response Team Officer: An officer who has successfully completed the eighty (80) hour EDRPT course and is specifically trained to deal with emotionally disturbed individuals in a variety of situations in our community.

1. These situations may include suicidal persons, persons exhibiting irrational behavior, handling psychiatric patients, the homeless, various mental health concerns and/or referrals, and any other situations that deal specifically with the needs of the mental health community and emotionally disturbed persons.
- E. Psychiatric Assignment Officer (PAO): A qualified mental health professional physically present in the emergency department of a hospital who performs mental health evaluations under the supervision of a certified psychologist.
- F. Two Physician Certificate (2PC): Two physicians, not necessarily psychiatrists, must examine and certify the patient to be mentally ill BEFORE involuntary admission can be made.
- G. Voluntary: Any person requesting admission, care, and treatment for himself/herself and does not qualify for a mental hygiene arrest under section 9.41 of the NYS Mental Hygiene Law.
- H. Involuntary: A person who requires immediate observation, care, and treatment and who appears likely to cause serious harm to himself/herself or others if left untreated. Usually brought in for evaluation against his/her will.

IV. MENTAL HYGIENE ARRESTS

A. Evaluation by Police

1. An on-duty EDRPT Officers will respond to all EDP related calls for service when ever possible.
2. Section 9.41 of the New York State Mental Hygiene Law allows a police officer to take into custody any individual for evaluation if:
3. The individual displays a substantial risk of physical harm to himself\herself as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that he\she is dangerous to himself\herself; or
4. The individual displays a substantial risk of physical harm to other persons manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.
5. The person's refusal or inability to meet his/her essential need for food, shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization.
6. If the person does not demonstrate the characteristics required for a mental hygiene arrest, the officer may contact the Mobile Crisis Team through LIFELINE for further assistance. (Tel. #: 585-275-4141)

B. Transporting Mental Hygiene Arrests

1. Whenever possible, officers will transport a person who is under arrest for a violation of the NYS Mental Hygiene Law in an ambulance with a police officer immediately following the ambulance.
 - a) An officer may transport a person under arrest for a violation of the NYS Mental Hygiene Law in a police vehicle when the officer is positive that the person has **not** ingested any substances, sustained any injuries, or demonstrated any violent behavior.
2. All transports of persons arrested under Section 9.41 of the NYS Mental Hygiene Law will be conducted in accordance with General Order 530, Prisoner Transportation.
3. Before being transported, all persons arrested under Section 9.41 will be searched for weapons, dangerous articles or any other items with which they may harm themselves or others.
 - a) The search will include but is not limited to a pat down of all clothing and body surfaces.
 - b) Any weapons, dangerous articles, or items found will be properly secured.
 - (1) Weapons of any kind and items of evidentiary nature will be turned into the property clerk's office. A copy of the property sheet will be given to the individual as a receipt for any property taken into custody.
 - (2) All other property will accompany the individual to the hospital where it will be turned over to hospital security or returned to the individual after the evaluation and release.
4. Officers will determine if the person has had previous contact with the mental health community and if possible direct the transport to the hospital where the person's doctor is located.
 - a) Officers should ask if the individual is under a doctor's care and where that doctor is located.
 - b) Due to HIPPA restrictions the hospital is unable to verify prior patient history.
5. In the event that the person cannot communicate sufficiently the person will be transported to the most appropriate catchments facility. Pursuant to a cooperative agreement between the Community Mental Health Centers, a Psychiatric Emergency Services Plan has been devised encompassing the three catchments area Community Mental Health Centers.

- a) The purpose of the Emergency Services Plan is to identify the resources that are best able to offer immediate access to care for those in psychiatric crisis.
- b) The hospital Emergency Departments that are no longer able to maintain a therapeutic environment due to the number of patients and/or the clinical condition of the psychiatric patients currently being served will designate themselves to be in a "CODE RED" status.
- c) "CODE RED" status is an alert to ambulances and police that the Emergency Department cannot take more patients without becoming unsafe.
- d) The "CODE RED" designation will divert any further psychiatric patients to other facilities, which are better able to meet the needs of the incoming patients.
- e) When all Community Mental Health Centers are in a designated "CODE RED" status they all revert to a "CODE GREEN" status.
- f) Officers effecting a Mental Hygiene Arrest will abide by the CODE status assigned by the hospital emergency department administration.

C. Documentation

Officers effecting a Mental Hygiene Arrest will complete a Mental Hygiene Arrest Package containing the following:

1. Upon arrival at the hospital the officer will complete a "Monroe County Mental Hygiene Form". (Attachment A).
 - a) Box #1- Indicate the "Incident Type":
 - MHA 9.27-Involuntary admission on medical certification
 - MHA 9.37-Involuntary admission on certificate of a director of community services or his/her designee
 - MHA 9.41-Emergency admissions for immediate observation, care, and treatment; powers of certain peace officers and police officers.**
 - b) Box #2- Time of Occurrence
 - c) Box #3- Date Reported
 - d) Box #4- CR#
 - e) Box #5- Location dispatched to
 - f) Box #6- Location of incident
 - g) Box #7- Persons involved (complete all information)
 - h) Box #8- Where hospitalized
 - i) Box #9- Injuries to subject
 - j) Box #10- Was tech work completed?
 - k) Box #11- Indicate whether police, and who, should be contacted prior to release of subject
 - l) Box #12- Does subject have history of violence?

- m) Box #13- Was it necessary to physically restrain the subject?
- n) Box #14- Did behavior or actions indicate subject was a danger to self or others (check the boxes)
- o) Box #15- Narrative of incident
- p) Fully complete boxes 16-21

(1) In the event that additional space is required for the narrative, officers will utilize Addendum reports.

2. The "Monroe County Mental Hygiene Form" is a three part form that is to be distributed in the following manner:
 - a) Original (White)-will be turned over to the Hospital Emergency Department Medical Staff.
 - b) Copy 2 (Yellow)-will be submitted for approval to the officer's command staff.
 - c) One copy of the Monroe County Mental Hygiene Form, and any Supp/IA or Supp/IA/PCR reports will be made and submitted with the original report for roll call review.
 - d) Copy 3 (Pink)-will be turned over to the hospital security department.

3. When a person is arrested under the NYS Mental Hygiene Law who may pose a risk to the public and/or police personnel upon his/her release, the arresting officer will check Section 11 of the Monroe County Mental Hygiene Form (Should the police be contacted before patient release?) indicating who should be contacted and how to contact the officer.

a) Upon receiving notification that the EDP was to be released from the hospital or facility the arresting officer must complete a Supp/IA form indicating the specifics of the EDP's release.

D. Evaluation by Hospital Personnel

1. Under Section 9.39 of the NYS Mental Hygiene Law, the medical facility is authorized to accept an individual who is under a Mental Hygiene Arrest by a police officer. The facility may retain the individual for up to fifteen (15) days.
2. Before an individual can be admitted to a hospital, he/she must be examined by a staff physician and found to meet hospital admission requirements. If the requirements are not met the individual must be released.
3. Under present law the decision to admit in an emergency situation is entirely up to the staff physician. There exists no procedure to ensure hospital retention of the individual. **Therefore, the arresting officer will relate all information concerning the individual to the hospital's Psychiatric Admitting Office (PAO) or other appropriate medical personnel. The officer will document the hospital staff person's name in the narrative of the Mental Hygiene Report.**

4. **THERE IS NO MINIMUM** time limit after which the officer may leave the Mental Hygiene Arrest. The arrestee is the responsibility of the arresting officer and at no time is the subject to be left unattended unless hospital or security personnel properly relieve the officer.
5. Release of custody to Community Mental Health Center \ Hospital Personnel:
 - a) When taking custody of a Mental Hygiene Arrest from an Irondequoit Police Officer the hospital security personnel will do a thorough pat-down search of the Mental Hygiene Arrest in the presence of the arresting officer.
 - b) The arresting officer will make a notation of the name of the hospital or security personnel and the time the officer was relieved on the Monroe County Mental Hygiene Form.

E. When Criminal Charges are Pending

1. Information must be relayed to both the PAO and hospital security when an individual arrested under the Mental Hygiene Law is also to be charged criminally.
2. **If the subject is eligible for an appearance ticket one may be issued.**
3. If an appearance ticket cannot be issued and the arrestee must be guarded at the hospital emergency department or Community Mental Health Center, the arresting officer's immediate supervisor will make arrangements to have the prisoner arraigned by a Judge/Justice at the most convenient moment available to the Judge/Justice and hospital personnel.
4. When the arrestee has been arraigned by a Judge/Justice and has been evaluated for involuntary admittance to a Community Mental Health Center the arresting officer's immediate supervisor will make arrangements with the Monroe County Sheriff's Office Jail Bureau to turn custody of the arrestee over to the Office of the Sheriff.
5. The Irondequoit Police Department will continue to guard the arrestee until such time that the Monroe County Sheriff's Office takes custody of the subject.

V. ESCAPEES FROM A MENTAL HEALTH FACILITY

- A. Section 29.19 of the New York State Mental Health Law authorizes a police officer to apprehend, restrain if necessary, and return a person who escapes from a mental health facility. A person is considered an escapee of a facility when he/she has been **ADMITTED** to that facility.
 1. Officers will complete a Missing Person Report on the escaped patient. The report must be signed by the representative of the facility who is authorizing (physician, nurse, person authorized) the return of the patient by his/her

signature.

2. A written report is not necessary if the patient is returned to or taken into custody by the facility during the initial investigation.

VI. TRANSPORTING MENTALLY ILL PATIENTS BY SPECIAL REQUEST

Under the NYS Mental Hygiene Law Section 9.37 and Section 9.45, the Director of Community Services of Monroe County (or a designee) is authorized to direct a police officer to take an individual into custody and to transport that individual to a facility for the purpose of observation.

- A. When given the assignment of transporting an individual for observation, action will be taken only after the officer has verified the identity of the "Health Officer Designee" of the Director of Community Services of Monroe County who is requesting the transport. Verification can be done by contacting LIFELINE at telephone number **275-5151**.
- B. No action will be taken if verification cannot be made through LIFELINE (Officers may direct the physician to locate another physician who is in fact a "designee" or contact the Director of the Department of Mental Health for approval and follow-up).
- C. Officers must also be presented a copy of the State of New York Office of Mental Health Form 474A/476A (3/93) with section II completed and signed by the "designee" before transporting the subject. (see Attachment B)
- D. Officers will complete a Mental Hygiene Arrest package as described in section IV-C of this order. The Incident Report will cite § 9.37 and § 9.45 as listed in section IV of this order. The officer will include in the report the reasons given by the "designee" who authorized the arrest of the subject.

NOTE: Nothing herein precludes an officer from making an arrest of the subject under Section 9.41 for actions that occur in the presence of the officer.

- E. Officers may be assigned to transport a patient from a non-Community Mental Health Center to a Community Mental Health Center facility for observation at the request of a mental health professional from the non-Community Mental Health facility. Officers will comply with the request only if they are given a verified copy of form 474A/476A(3-93).
- F. Transport of the subject will be made by ambulance or by patrol vehicle with permission of the officer's immediate supervisor. Officers transporting an individual by patrol vehicle will follow transporting procedures as per General Order 530.

Monroe County Mental Hygiene Form

1. Incident Type <input type="checkbox"/> MHA 9.27 <input type="checkbox"/> MHA 9.41 <input type="checkbox"/> MHA 9.37		DOW					4. CR#
		2. Time of Occurrence					
		3. When Reported					
5. Dispatched to (House #, Street, C/T/V)				6. Location of Incident (House #, Street, C/T/V)			
7. Persons involved enter appropriate code for each and use narrative if required. P: patient, R: reporting person, W-1: witness 1, W-2: witness 2, PK: person with knowledge, NI: not interviewed, NO: interviewed, no information.							
Name (Last, Middle, First)		Sex	Race	D.O.B.	Address (House #, Street, C/T/V)		Day
							Tel#
							Eve.
							Day
							Tel#
							Eve.
							Day
							Eve.
8. Where Hospitalized			9. Physical Injuries			10. Tech Work	
						<input type="checkbox"/> Yes <input type="checkbox"/> No	
11. Should police be contacted before patient release? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, whom should hospital contact? Officer Name _____ Car# _____ Phone _____ Reason (i.e. Outstanding warrant(s), investigation etc.) _____							
12. Does patient have history of assault/violent behavior? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown							
13. Did patient require physical restraint? <input type="checkbox"/> Yes <input type="checkbox"/> No							
14. What behaviors or actions indicate the person might be a danger to self or others: (check all that apply)							
<input type="checkbox"/> Placed self in dangerous situation		<input type="checkbox"/> Physical threats					
<input type="checkbox"/> Unable to care for self		<input type="checkbox"/> Attempted to hurt/kill self/others					
<input type="checkbox"/> Verbal threats							
<input type="checkbox"/> Presence of weapons (specify)							
<input type="checkbox"/> Other (specify)							
15. Narrative: Describe additional details of the incident not listed above. Use appropriate code to expand on above information.							
16. Follow-up by:		Date Due:		17. Police Agency		18. Section/Zone	
19. Reporting Officer		ID/BM#	Beat#	Car#	20. Assisting Unit(s)		21. Approval

Distribution: Original - Medical Staff/ED Chart

Copy 2 - Police

Copy 3 - Security