



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT: EMERGENCY DETENTION (dealing with the mentally ill)

SCOPE: All Department Personnel

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI §51.15

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RESCINDS

AMENDS

WILEAG 4th EDITION STANDARDS:

INDEX AS: Developmentally Disabled Persons
Drug Dependent Persons
Emergency Detention
Mental Illness
Mental Disorders
Protective Placement

PURPOSE: The purpose of this Policy & Procedure is to establish procedures for members of the Holmen Police Department that are consistent with the Mental Health Act - Emergency Detention and the Protective Service System - Protective Placement, which regulates the handling of individuals who are mentally ill, drug dependent, developmentally disabled, suffering infirmities of aging, chronic mental illness, or other like incapacities.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. AUTHORITY AND BASIS FOR DETENTION
- IV. PROCEDURES
- V. SPECIAL TRANSPORTATION NEEDS
- VI. VIOLATIONS OF STATUTES OR ORDINANCES
- VII. PROBABLE CAUSE HEARINGS
- VIII. VOLUNTARY ADMISSIONS
- IX. REPORTING OF INCIDENTS

I. POLICY

Dealing with individuals who are known or suspected to be mentally ill carries the potential for violence, requires an officer to make difficult judgments about the mental state and intent of the individual, and requires special police skills and abilities to effectively and legally deal with the person in a constructive and humane manner. Officers shall be guided by state law and this policy to assist them in defining whether a person's behavior requires intervention.

II. DEFINITIONS

DEVELOPMENTAL DISABILITY: Has the meaning specified in s. 51.01(5)

DRUG DEPENDENT: Has the meaning specified in s. 51.01(8)

MENTAL ILLNESS: Has the meaning specified in s. 51.01(13)

TREATMENT: Has the meaning specified in s. 51.01(17)

MENTAL HEALTH CONSULTANT: A person employed by the La Crosse County Department of Human Services (i.e. Crisis Intervention specialist or on-duty supervisor) who has authority to assess and detain persons for the purpose of Emergency Detention or protective custody/placement.

III. AUTHORITY AND BASIS FOR DETENTION

- A. An officer may take an individual into custody if the officer has cause to believe that individual is mentally ill, drug dependent or developmentally disabled and exhibits behavior specified in WI §51.15(1)(a)(1-4).
- B. The officer's belief shall be based on any of the following:
 1. A specific recent overt act or attempt or threat to act or omission by the individual which is observed by the officer.
 2. A specific recent overt act or attempt or threat to act or omission by the individual which is reliably reported to the officer by any other person, including any probation, extended supervision and parole agent authorized by the department of corrections to exercise control and supervision over a probationer, parolee or person on extended supervision.
- C. The officer must be able to detail specific information concerning recent acts or omissions on which his/her belief is based, including whether observed by or reliably reported, and if reported, by whom.

IV. PROCEDURES

- A. When an officer is handling a mentally ill or protective placement person, a back-up officer shall be requested.
- B. Any mentally ill or protective placement person who is taken into custody will be handled in accordance with Department Policy 1.15, Search/Transport of Detainee(s).
- C. Prior to or during transport, officers shall call the appropriate County assessment facility (mobile crises) to determine if a person should be taken into custody for emergency detention or protective placement. The officer should provide: the name of the person in custody; a brief account of the incident; and convey the individual to the appropriate assessment facility to confer with the mental health consultant.
- D. At the appropriate assessment facility officers will sign a statement of emergency detention that shall provide detailed, specific information concerning the recent incident(s) that lead to the officer's belief under WI §51.15(1) along with the names of persons observing or reporting the recent incident(s). Officers are not required to designate in the statement whether the subject is mentally ill, developmentally disabled, or drug dependent, but shall allege that the officer has cause to believe that the individual evidences one or more of these conditions.
- E. The mental health consultant from the appropriate assessment facility must approve the need for detention, and for evaluation, diagnosis and treatment before the mentally ill or protective placement person can be transported to the appropriate detention facility (Gunderson Lutheran, Mayo or other designated approved facility). The person becomes the responsibility of the County Department of Human Services under an involuntary commitment when the officer delivers the patient to the approved facility.
- F. The statement of emergency detention shall be filed by the officer with the approved detention facility at the time of admission, and a copy will be placed with the incident report. Officers shall provide reasonable and/or necessary assistance as may be required or requested by treatment facility staff during admittance of the patient.
- G. Officers must complete their incident report, in accordance with Section IX of this policy, prior to going off duty. The incident report, along with the statement of emergency detention, must be filed with the court immediately.
- H. Applicability of juveniles.
 - 1. In the event a mentally ill or protective placement person is a juvenile, the same procedures as adults apply, with the exception that juveniles will be taken to the approved juvenile detention facility after approval at the assessment facility.

2. In addition to arrangements made with the approved detention treatment facility, officers will attempt to notify the parent, guardian and/or legal custodian, as soon as possible that the juvenile has been taken into custody and as many details as may be allowed.

V. SPECIAL TRANSPORTATION NEEDS

- A. Any mentally ill or protective placement person who is taken into custody and is in need of medical treatment shall be evaluated by medical personnel and if needed, transported to the hospital by ambulance.
- B. Any mentally ill or protective placement person who is taken into custody and in need of emergency medical treatment; i.e. unconscious, severe lacerations, fractures, etc., shall be transported to the hospital by ambulance.
- C. Should a mentally ill or protective placement person refuse needed medical treatment, the County Department of Human Services shall be notified when the person is at the assessment facility.
- D. Once a patient, adult or juvenile, is at the approved detention facility and a determination is made that the patient must be transported to another institution, the responsibility of transport is that of the County Department of Human Services.

VI. VIOLATIONS OF STATUTES OR ORDINANCES

- A. Arresting the suspect is always the appropriate disposition when a felony has been committed. However, in some cases it may be appropriate to address the mental health issue first and refer the individual for charges later.
- B. If the offense is a misdemeanor or ordinance violation, and the officer concludes that signs of abnormal behavior are probably related to the violation, the officer shall contact his/her shift supervisor to determine the appropriate disposition.

VII. PROBABLE CAUSE HEARINGS

- A. If it is necessary for a police officer to appear and testify at a probable cause hearing per WI §51.20(7) or §55.135, the police department generally shall be verbally informed by the court. The subpoena should be served on the officer when the officer arrives at the County Circuit Court.
- B. If a subpoena is received for an officer who cannot be served within a reasonable period of time prior to the scheduled court hearing, then the court must be verbally informed so further subpoenas may be served or arrangements made for others to testify at the hearing.
- C. Exceptions to the above shall be handled on an individual basis.

IX. REPORTING OF INCIDENTS

- A. Whenever an officer has contact with, and provides assistance to a mentally ill or protective placement person, an incident number shall be obtained and an Incident Report completed per Department policy 11.2.
- B. Other offenses discovered or reported during the investigation of the emergency detention shall be reported on a separate incident report with a separate incident number if the officer chooses to pursue charges or issue a citation(s) for the violation(s). The new incident report(s) shall be titled by the incident type, such as theft or assault and contain details relative to the incident in the body of the report. No mention of the emergency detention should appear in this incident report.
- C. Officers shall complete any other form or written order as may be required in incidents involving “Emergency Detention” or “Protective Placements”, including any forms required by the treatment facility.

Shane Collins
Police Chief

02/06/2017