



Town of Marlborough Police Department

GENERAL ORDER

SUBJECT: Mentally Ill/EDPs

Order Number: 3.34

DATE ISSUED: 09/10/10 BY ORDER OF POLICE CHIEF: COCOZZA

DATE EFFECTIVE: 09/10/10 REPLACES ORDER #(S): APR

MENTALLY ILL/EMOTIONALLY DISTURBED PERSONS

PURPOSE: To safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance.

I. POLICY

A. The safety of all persons is paramount in a situation involving an emotionally disturbed person. If such person is dangerous to himself/herself or others, necessary force may be used to prevent serious physical injury or death. Physical force will be used only to the extent necessary to restrain the subject until delivered to a hospital or detention facility. Deadly physical force will be used only as a last resort to protect the life of a member of the Town of Marlborough Police Department or any other person present. If an emotionally disturbed person is not dangerous, the person should be contained until assistance arrives.

B. In any case when there is time to negotiate, all the time necessary to ensure the safety of all individuals concerned will be used.

C. Two patrols shall be dispatched to emotionally disturbed person calls.

II. DEFINITIONS

A. Mental Illness

Art. 1, Sect. 1.03, sub. 20 Mental Hygiene Law - means an affliction with a mental disease or mental condition which is manifested by a disorder or disturbance in behavior, feeling, thinking, or judgment to such an extent that the person afflicted requires care, treatment and rehabilitation.

B. Voluntary Admission

Art. 9, Sect. 9.13, sub. (1) Mental Hygiene Law – The director of any hospital may receive as a voluntary patient any suitable person in need of care and treatment who voluntarily makes written application therefore. If the person is under sixteen (16) years of age, the person may be received as a voluntary patient only on the application of the parent, legal guardian, or next of kin of such person. If the person is over sixteen (16) and under 18 years of age, the director may in his discretion admit such person either as a voluntary patient on his own application or on the application of the person's parent, legal guardian or next of kin.

C. Emergency Admission - Powers of Police Officers

Art. 9, Sect. 9.41 Mental Hygiene Law - Any peace officer, when acting pursuant to his special duties or police officer who is a member of the State Police or of any authorized police department or force or sheriff's office, may take into custody any person who appears to be mentally ill and is conducting himself in a manner which is likely to result in serious harm to himself or others. "Likelihood to result in serious harm," shall mean:

1. Substantial risk of physical harm to himself as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that he is dangerous to himself.
2. A substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm. Such officer may direct the removal of such person or remove him to any hospital specified in subdivision (a) of section 9.39 of the Mental Hygiene Law, or pending his examination or admission to any such hospital, temporarily detain any such person in another safe and comfortable place, in which event such officer shall immediately notify the Director of Community Services, or if there be none, the health officer of the city or county of such action.

D. Emergency Admissions - Powers of Directors of Community Services(Mental Health Removal Order)

Art. 9, Sect. 9.45 Mental Hygiene Law - The Director of Community Services or his designee shall have the power to direct the removal of any person within his jurisdiction, to a hospital approved by the Commissioner pursuant to subdivision (a) of section 9.39 of this article if the parent, spouse, or child of the person, a licensed physician, health officer, peace officer, or police officer reports to him that such person has a mental illness for which immediate care and treatment in a hospital is appropriate and which is likely to result in serious harm to himself or others, as defined in section 9.39 of this article. It shall be the duty of peace officers, when acting pursuant to their special duties or police officers who are members of an authorized police department or force or sheriff's department to assist representatives of such director to take into custody and transport such person.

- 1.) Persons including medical personnel seeking to have a subject removed that is not a candidate for a 9.41 removal will be directed to contact Kingston Hospital Mental Health Facility in regards.
- 2.) Officers will not execute such removals without a valid mental health removal order has been forwarded from Kingston's Mental Health Facility.

3.) The dispatcher concerned will contact U.C. 911 upon receipt if 911 has not previously polled for a unit to respond.

4.) The dispatcher concerned will contact a supervisor if there is any doubt about the validity of the order.

5.) The responding members should designate a stand by location for EMS personnel and transmit the same to County. Once in place, the members will proceed to the location and secure the subject for removal by EMS to Kingston Hospital. No other hospital can be utilized with these orders unless EMS requests an alternative removal due to an apparent medical emergency. These cases will be handled by officers in the manner proscribed by department policy regarding EDP's except that Kingston Hospital will be the mandatory facility the subject is removed to.

6.) Unlike a warrant, officers are not to show the subject a copy of the removal order.

III. PROCEDURE

A. First Officer at the Scene

1. Evaluate the situation, including:
 - a) Mental or emotional condition of person.
 - b) Whether or not the mentally ill or emotionally disturbed person has used or threatened to use physical force, or is conducting himself/herself in a manner which is likely to result in serious harm to himself/herself or others.
 - c) Determine whether an ambulance or other medical assistance is needed. If unsure of how to proceed, immediately notify a supervisor.
2. Inform the patrol supervisor of the situation as soon as practical regarding any possible mental health matters.
3. Ensure the safety of others in the area and exercise common sense control of the subject.
4. Ensure the security of any firearms or other dangerous instruments at the scene.

5. Arrange for the assistance of any individuals, i.e., family, clergy or specialized services if it can be safely done. **Utilize Mobile Mental Health or Oracle or any other offered services that may be available within reason to afford the person suffering an episode the ability to seek help or intervention when practical and reasonable.**
6. Officers aiding a possible mental health subject who exhibits no signs of being a potential threat to themselves or others with no known history of the same may be voluntarily removed to a mental health facility via ambulance. Such situations are unusual. Accordingly members will confer with a supervisor prior to allowing a voluntary removal.

NOTE: Evaluate the situation. You must determine if individuals other than the "EDP" are causing the situation to become more tense and violent or are helping to calm the person. If a civilian is in conversation with the individual and it is having a calming effect on the person, allow him/her to continue as long as he/she is not placing his/her life or the lives of others in danger. If the officer is the person conducting the conversation remember, stay calm, show interest in what the individual is saying and act in a mature manner, always stressing the fact you are there to help, not hurt.

Control your emotions. Do not get caught up their comments or remarks no matter how personal and obscene they become. If you lose your temper, you will only escalate the situation.

B. When the emotionally disturbed person has been restrained, he/she should be transported to the Emergency Psychiatric Center (EPIC) located at **Mid-Hudson Regional Hospital or other necessary facility.**

1. Officers will utilize whatever restraints are necessary to safely secure the subject. An ambulance will be used to transport the person to the appropriate hospital. Again, an escort shall be required. In such cases, the officer needs to ensure that EPIC is notified that a patient is in route to their facility.
2. An officer is required to ride to the hospital in an ambulance with the person. He/she shall secure his/her patrol car and advise dispatch in regards.
3. Upon arrival at a hospital facility, the officer will safeguard all involved until the mentally ill or emotionally disturbed person has been delivered to a member of the hospital staff. Officer will assure that a hospital staff member signs out department 9.41 mental health form prior to departing the hospital.
4. In cases where the hospital staff makes a request for the officer to remain due to an extremely violent or dangerous patient, a supervisor will be made aware of the request. The member will follow the directions of supervisor contacted.

5. The officer shall prepare an incident report and 9.41 form with all pertinent information, including the name and title of the member of the hospital staff to whom mentally ill or emotionally disturbed person was delivered.
6. All 9.41 custodial removals will be documented as an arrest. The arrest will be entered in the arrest log and an arrest report will be prepared. The subject will not require standard arrest processing for this charge alone.