

## Emergency Detentions

### 418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person in under emergency detention (Wis. Stat. § 51.15).

### 418.2 POLICY

It is the policy of the Menomonie Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

### 418.3 AUTHORITY

An officer may initiate an emergency detention when the officer has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats. The person shall be transported to an approved detention facility, but only when taking the person into custody is the least restrictive alternative appropriate to the person's needs (Wis. Stat. § 51.15).

#### 418.3.1 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for emergency detention, the officer may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- (a) Assist with facilitating transportation for the person to an appropriate facility, where applicable. Officers should not provide transportation to subjects seeking voluntary evaluation.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.
- (c) If an individual fails to obtain voluntary evaluation and/or admission to an appropriate facility, and the officer believes the individual meets the criteria for an emergency detention and other less restrictive options are not feasible, the officer should proceed with emergency detention evaluation procedures.

### 418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.

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- (d) Available community or other resources available to assist in dealing with mental health issues.
- (e) Contact a mental health crisis center for an evaluation.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

### **418.5 TRANSPORTATION**

When transporting any individual for an emergency detention, the transporting officer should have Emergency Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Supervisor approval is required before transport commences.

### **418.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntarily treatment, the officer should provide the staff member with the written application for emergency detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints

### **418.7 DOCUMENTATION**

The officer shall complete a petition for examination, provide it to the facility staff member assigned to that patient and retain a copy of the petition for inclusion in the case report.

The officer should provide the individual with notice of their rights when an Emergency Detention has been authorized. When the Emergency Detention is initiated, the officer should read the individual the Notice of Rights form and provide the individual with a copy of the form. A copy of the form should also be retained and attached to the Probable Cause Statement. Officers should note in their report that the Notice of Rights was provided.

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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

#### **418.7.1 PROBABLE CAUSE STATEMENT**

The petition shall include the circumstances under which the individual's condition was called to the attention of the officer. It must contain an allegation of probable cause statement of the officer's belief that the individual, because of mental illness, disability or dependency, is likely to harm him/herself or others or is unable to care for him/herself. If the probable cause is based on the statement of a person other than the officer, this detail shall be included along with the person's identifying information (Wis. Stat. § 51.15(4); Wis. Stat. § 51.15(5)).

#### **418.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Department to regain custody of the individual, department resources (posting a guard) and other relevant factors in making this decision.

#### **418.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for an emergency detention, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

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The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

### **418.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergency detentions and crisis intervention.

The department shall designate at least one officer to attend any in-service training on emergency detention and emergency protective placement procedures that is offered by the county department of community programs (Wis. Stat. § 51.15(11m)).