

Emergent Detentions

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergent (mental health) detention (RCW 71.05.153).

418.2 POLICY

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

418.3 DEFINITIONS

Danger to Others - Behavior which has caused harm or places others in a reasonable fear of sustaining harm. The behavior can either be written, verbal, or actual assaultive acts.

Danger to Property - Behavior which has caused substantial loss or damage to property of others.

Danger to Self - A substantial risk of serious harm indicated by threats (written or verbal) or attempts to commit suicide or inflict physical harm to self.

Gravely Disabled – Condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his/her essential human needs of health and safety; or (b) manifests severe deterioration in routine functions evidenced by repeated and escalating loss of cognitive or volitional control over his/her actions and is not receiving such care as is essential for his/her health and safety. (RCW 71.05.020(17))

418.4 AUTHORITY

An officer who has reasonable cause to believe that a person is suffering from a mental disorder and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, may take the person into emergent detention and immediately transport the person to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital (RCW 71.05.153).

An officer may also take a person into emergent detention and deliver the person to an evaluation and treatment facility upon the written request of a mental health professional designated by the county or other authority who has determined that the person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled (RCW 71.05.153).

418.4.1 VOLUNTARY EVALUATION

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

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- (a) Transport the individual, or have the individual transported via an ambulance, to an appropriate facility that is able to conduct the evaluation, and admit the person pursuant to emergent detention.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, the officer should proceed with the emergent detention if appropriate.

418.4.2 INVOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergent detention and refuses to a voluntary evaluation, at least one of the following articulable grounds are necessary for an officer to take a person into custody for an involuntary evaluation and request a 72-hour hold:

- a. Danger to others,
- b. Danger to self,
- c. Danger to property; or
- d. Grave disability.

Officers will complete a case report documenting the incident and the reasonable belief the person met the criteria for emergent commitment.

418.5 CONSIDERATIONS AND RESPONSIBILITIES

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

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

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.

Emergent detentions should be preferred over arrest for individuals with mental disorders, who are suspected of committing minor crimes or creating other non-criminal public safety issues.

418.6 TRANSPORTATION

When transporting any individual for an emergent detention, the transporting officer should have Dispatch 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 vehicle and shall secure them in accordance with **Policy 305 - Handcuffing and Restraints**.

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Violent individuals, or those that are medically unstable, may be restrained and transported by ambulance and ambulance personnel.

418.7 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 voluntary treatment, the officer should provide the staff member with the completed 72 Hour Involuntary Mental Evaluation Hold Form for an emergent 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, the officer will not apply facility-ordered restraints.

418.8 DOCUMENTATION

Law enforcement agencies must have a system in place for officers to document, as part of an incident report, the need for a mental health evaluation of a person who meets the criteria for an emergent detention (RCW 71.05.120).

418.8.1 INVOLUNTARY EVALUATIONS

The officer should complete an application for emergency admission (72 Hour Involuntary Mental Evaluation Hold Form), provide it to the facility staff member assigned to the individual, and, if necessary, retain a copy of the emergency application for inclusion in the police report.

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

In all circumstances where a person is taken into custody on an emergent detention, the officer shall complete a police report.

418.8.2 VOLUNTARY EVALUATIONS

Should an individual, who meets the criteria for an emergent detention, decide to voluntarily submit to a mental health evaluation and is transported to a facility, the reporting officer shall complete a police report.

The report shall clearly outline the circumstances causing the officer to believe the individual met the criteria for an emergent detention, but the individual clearly submitted to a voluntary mental health evaluation. The location of the mental health facility and mode of transportation shall also be documented in the police report.

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418.9 CRIMINAL OFFENSES

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

When an individual who may qualify for an emergent 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 emergent detention.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Advise jail staff of the circumstances that indicate the individual may qualify for an emergent detention.

In the supervisor's judgment, the individual may 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 this Department to regain custody of the individual, Department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.10 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for an emergent detention, the handling officer should seek to determine if the individual 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., community caretaking, 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.

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

418.11 TRAINING

This Department will endeavor to provide department-approved training on interaction with mentally disabled persons, emergent detentions and crisis intervention. (Refer to **Policy 463 - Crisis Intervention Incidents**)