
Mental Illness Commitments

418.1 PURPOSE AND SCOPE

This policy describes an officer's duties when a person qualifies for emergency admission to a mental health facility pursuant to ARS § 36-524 and ARS § 36-525. The detention of a person under Arizona mental health laws does not constitute an arrest. If an officer believes that a person falls within those provisions and requires emergency admission to a mental health facility, he/she shall take the person into custody and transport the person to an evaluation facility.

418.2 AUTHORITY OF AN OFFICER

When any person, because of mental illness or a mental disorder, is a danger to him/herself or others, an officer may, upon probable cause, temporarily detain, or cause to be taken, the person into custody and place him/her in a facility designated by the local mental health authority and approved by the Arizona Department of Health Services for evaluation (ARS § 36-524, ARS § 36-525).

The guidelines for recognizing persons suffering from mental illness can be described as any person whose capacity to exercise self-control, judgment and discretion in the conduct of their affairs and social relations or to care for their personal needs is diminished, as a result of mental illness, to the extent that they present a clear and present danger of harm to themselves or others, but does not include any person in whom that capacity is diminished by epilepsy, mental retardation, Alzheimer's disease, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person. (41.2.7.a)

418.2.1 MENTAL HEALTH PETITIONS

An officer is also authorized to take persons into protective custody under the following conditions:

- Upon receipt of a signed order of the Superior Court, an officer shall take a patient into protective custody and transport him/her to the inpatient treatment facility specified in the court order (ARS § 36-540(E)(4)).
- Upon the written request of the medical director of a mental health treatment facility, an officer shall take a patient whose outpatient treatment has been rescinded into custody for immediate transport to the facility (ARS § 36-540.01(k)).
- Upon the oral or written request of the medical director of a mental health treatment facility, an officer shall take a patient who is absent without proper authorization from the facility into custody for transport to the facility (ARS § 36-544).
- The Arizona Mental Health Services Act, Title 36, empowers peace officers to force entry to serve an emergency petition, should a patient refuse an officer entry into their home for the purpose of apprehending him. The officer will not force entry unless a life is in immediate danger.

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418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing available resources as time and circumstances reasonably permit. These include:

- Any available information that might assist in determining the possible cause and nature of the mental illness, such as developmental disabilities, intoxication or chemical dependency.
- Conflict resolution and de-escalation techniques such as:
 - Remain calm and avoid overreacting;
 - Indicate a willingness to understand and help;
 - Speak simply and briefly, and move slowly;
 - Remove distractions, upsetting influences and disruptive people from the scene;
 - Understand that a rational discussion may not take place;
 - Recognize that sensations, thoughts, frightening beliefs, sounds ("voices"), or the environment may overwhelm the person;
 - Be friendly, patient, accepting, and encouraging, but remain firm and professional;
 - Be aware that their uniform, gun, and/or handcuffs may frighten the person with mental illnesses and attempt to reassure him or her that no harm is intended;
 - Recognize and acknowledge that a person's delusional or hallucinatory experience is real to him or her;
 - Announce actions before initiating them;
- Language that is appropriate for interacting with a mentally disabled person.
- If circumstances permit, alternatives to deadly force.
- Any available community resources that can assist in dealing with a mentally disabled individual. (41.2.7.b)

418.3.1 SAFEGUARD PREMISES AND PROPERTY

Officers shall take reasonable precautions to safeguard the premises or property of any person taken into temporary custody (ARS § 36-525(C)).

418.3.2 TRANSPORTATION

When transporting any individual for an emergency admission to a mental health facility, the handling officer should have Communications Section notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether any special medical care is needed. The officer shall obtain consent from the facility admitting officer prior to transporting the person to an evaluation facility.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. An officer should accompany a violent patient when transported by ambulance. Additionally, transporting violent patients in a patrol unit equipped with a barrier or cage is generally safer with two officers in the vehicle.

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The officer will escort the patient into the facility and place that person in a designated treatment room, as directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the patient.

418.3.3 RESTRAINTS

If the patient is violent or potentially violent, the officer will notify the staff. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.4 WRITTEN DOCUMENTATION

The officer shall complete an application in writing stating the circumstances under which the person's condition was called to the attention of the officer. The application must contain the probable cause to believe that the person, because of mental illness, is likely to harm him/herself or others. If the probable cause is based on the statement of a person other than the officer, this detail shall be included in the application. The officer will retain a copy of the application for the emergency admission form and will include it in the case report (ARS § 36-524, et seq.).

If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information of those individuals, to the extent practicable.

418.3.5 SECURING OF WEAPONS

If responding to a call for service or dropping off a patient at a facility, officers will maintain control of their weapons.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

Officers shall only arrest mentally unstable persons for a violation(s) of the law. Arrests shall not be made solely on the basis of mental condition as mental illness does not violate any criminal statute. If a crime has been committed, an Incident Report shall be written to include the pertinent facts regarding the person's behavior.

Suspected mentally ill persons who have committed a misdemeanor may, with supervisor approval, be detained at the county jail. If the suspect is being cared for by a responsible person, they may be released to that person.

Suspected mentally ill persons who have committed a felony shall be detained at the county jail.

418.5 SAFEKEEPING OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or taken into custody under mental health laws and is found to own, have in his/her possession or under his/her immediate control any firearm or other deadly weapon, the firearm or other deadly weapon shall be taken for safekeeping by the handling officer. The firearm or other deadly weapon shall be booked into property.

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Officers are cautioned that a search warrant may be needed before entering a residence to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent).

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

418.6 TRAINING

As part of advanced officer training programs, this agency will endeavor to include department-approved training on interaction with mentally disabled persons.

The Personnel, Training and Youth Services Section shall provide training to all department personnel. This training shall be provided to all newly hired personnel during their first week of employment, with refresher training given to all personnel at least every three (3) years.