



# TOWN OF MACEDON POLICE DEPARTMENT

<b>General Order:</b> 446	<b>Effective Date:</b> March 5, 2021
<b>Subject:</b> Mental Hygiene Procedures	
<b>Reference Standards:</b> 43.8	
<b>Rescinds:</b> G.O. Issued February 18, 2021	
Page 1 of 10	Attachments: Attachment A- Uniform Mental Health Form, Attachment B- NYS OMH Form 474A/476A

## I. POLICY

Members of the Macedon Police Department will be **understanding of and attentive** to the problems of a person experiencing mental or emotional difficulties and who may require police assistance.

## II. PURPOSE

- A. To ensure the members of the Department use sound judgment and discretion when exercising their powers of arrest under the New York State Mental Hygiene Law without compromising the officers' or patients' safety.
- B. To ensure members of the Department making an arrest or returning an individual to a mental health facility pursuant to the New York State Mental Hygiene Law will share information surrounding the individual's conduct and/or arrest with hospital personnel involved in the evaluation.

## III. DEFINITIONS:

- A. Mental Illness: A disorder in which an individual experiences periodic problems with feeling, thinking, or judgment to such an extent the person afflicted requires care, treatment, and rehabilitation. Mental Illness may range from being acute and limited to chronic and lifelong. **Mental Illness may occur in anyone.**
- B. Person in Crisis (PIC): A person in crisis is an individual who is experiencing stress from one or more of the following factors: a mental illness, a medical condition, substance abuse, or situational stress.
- C. Facility: "...Any place in which services for the mentally disabled are provided and includes, but is not limited to, a psychiatric center, developmental center, institute,

clinic, ward, institution, or building, except that in the case of a hospital... it should mean only a ward, wing, unit, or a part thereof. It should not include a place where the services rendered consist of solely non-residential services..., nor shall it include domestic care... to a person in the home."(NYSMHL Article 1 § 1.03(6))

- D. Crisis Intervention Team (CIT) Member: An officer who has successfully completed the forty (40) hour CIT course and is specifically trained to deal with Persons in Crisis in a variety of situations in our community.
  - 1. These situations may include suicidal persons, persons exhibiting irrational behavior, handling psychiatric patients, the homeless, various mental health concerns and/or referrals, and any other situations that deal specifically with the needs of the mental health community and emotionally disturbed persons.
- E. CIT Supervisor: A member with rank of Sergeant or above, responsible for overseeing the selection process of CIT members, the ongoing training for members, the tracking and quarterly reporting of MPD CIT results, coordinating and overseeing communications between CIT and Mental Health providers as appropriate within the Health Insurance Portability and Accountability Act (HIPAA) guidelines, and assisting in coordinating staffing issues during acute emotional crisis incidents.
- F. CIT Assistant Supervisor: A CIT member charged with assisting the CIT Supervisor and acting on the CIT Supervisor's behalf in his or her absence.
- G. Two Physician Certificate (2PC): Two physicians, not necessarily psychiatrists, must examine and certify the patient to be mentally ill BEFORE involuntary admission can be made.
- H. Voluntary: Any person requesting admission, care, and treatment for himself/herself and does not qualify for a mental hygiene arrest under section 9.41 of the NYS Mental Hygiene Law.
- I. Involuntary: A person who requires immediate observation, care, and treatment and who appears likely to cause in serious harm to himself/herself or others if left untreated. Usually brought in for evaluation against his/her will.

#### IV. CIT Structure

- A. The CIT Supervisor and CIT Assistant Supervisor will be determined by the Chief of Police or his/her designee.
- B. The CIT Supervisor will report to the Chief of Police.
- C. The CIT Supervisor will be responsible for:
  - 1. Determining, in consultation with the Chief of Police, the number of employees assigned to CIT.

2. Maintaining a roster of CIT members.
3. Monitoring the effectiveness of CIT for training needs, deficiencies, and overall performance, as well as reporting issues, concerns, and needs to the Chief of Police.
4. Ensuring that all CIT members meet and maintain established performance standards set forth in the CIT curriculum and selection procedures.
5. Create quarterly and annual reports of the CIT activities and submitting the reports to the Chief of Police.
6. The overall daily operations, functions, and maintenance of the CIT.

V. OFFICER RESPONSIBILITIES

- A. Take all reasonable measures to ensure the safety of its members, the community, and the person in crisis. Officer safety will remain a priority in dealing with those with mental illness or experiencing a mental health crisis.
- B. Ensure the mentally ill or person in crisis are cared for with understanding and compassion during MPD contact.
- C. Facilitate the diversion of persons suffering from emotional disorders and mental illness to a mental health facility or other appropriate agency pursuant to the New York State Mental Health Act.

VI. CIT Activation

A. On-duty CIT members will be activated via Wayne County 911 under the following conditions;

1. Threat of or attempted suicide by known means or appearance of a plan.
2. An individual threatens to or inflicts harm upon themselves or others and exhibits signs and/or symptoms of a mental health problem.
3. Request for transport by an authorized agent such as a MHL 9.45, or Office of Mental Health Form 474A/476A signed by a doctor or other authorized authority.
4. All completed suicide scenes where family and friends of the decedent are or are anticipated to be present.
5. CIT members may, when their specialized expertise may be helpful, respond to the following situations involving a person in crisis when the person has;
  - a) Demonstrated conduct they are a danger to themselves, which includes a person's refusal or inability to meet their essential need for food,

shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization.

2. Chronic mental health situations that do not meet the criteria outlined in MHL 9.41 and may require diversion to other, more appropriate services.

## VII. MENTAL HYGIENE ARRESTS

### A. Evaluation by Police

1. *An on-duty CIT Officer will respond to all PIC related calls for service whenever possible.*
2. Section 9.41 of the New York State Mental Hygiene Law allows a police officer to take into custody any individual for a mental health evaluation if:
  - a) The individual displays a substantial risk of physical harm to himself\herself as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that he\she is dangerous to himself\herself; or
  - b) The individual displays a substantial risk of physical harm to other persons manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.
  - c) The person's refusal or inability to meet his/her essential need for food, shelter, clothing, or health care, provided that such refusal or inability is likely to result in serious harm if there is not immediate hospitalization.
3. It will be mandatory for officers to make an involuntary detention whenever they have direct contact with a person who meets any of the criteria listed in §9.41 of the NYS Mental Hygiene Law.
4. When an officer has a conversation with a person on private property who meets, or is alleged to meet any of the criteria listed in §9.41 of the NYS Mental Hygiene Law, but the person refuses to allow the officer into the location, the officer must:
  - a) Make all reasonable and practicable attempts to persuade the individual to have direct contact with the officer.
  - b) Notify his/her supervisor and advise him/her of the facts and circumstances.
    - (1) The supervisor must:
      - (a) Assess the situation and make a determination on how to proceed
  - c) When an officer receives third party information alleging an

individual meets the criteria listed in §9.41 of the NYS Mental Hygiene Law, the officer must make all reasonable and practicable attempts to locate and make contact with the individual. If contact cannot be made, or the individual refuses to provide their location, the officer must:

- (1) Make all reasonable and practicable attempts to locate the individual.
  - (2) Notify a supervisor
  - (3) Document the allegations and their actions in their report
5. If the person does not demonstrate the characteristics required for a mental hygiene arrest, the officer may contact the Wayne County Open Access Center through Wayne Behavioral Health (833) 929-6326 or the Mobile Crisis Team through LIFELINE for further assistance (585) 275-4141.

**B. Transporting Mental Hygiene Arrests**

1. Officers may transport a person who is under arrest for a violation of the NYS Mental Hygiene Law in a police vehicle when the officer is positive the person has not ingested any substances, sustained any injuries, or demonstrated violent behavior.
  - a) An officer may transport a person under arrest for a violation of the NYS Mental Hygiene Law in an ambulance with a police officer immediately following the ambulance if the person has ingested any substances, sustained any injuries, or demonstrated violent behavior.
    - (i). Transporting EMS personnel may request an officer ride inside the ambulance if the person has demonstrated violent behavior.
2. All transports of persons arrested under Section 9.41 of the NYS Mental Hygiene Law will be conducted in accordance with General Order 530, Prisoner Transportation.
  - a) An officer may choose to transport the person with the absence of handcuffs if:
    - (i) The person has been adequately searched for dangerous items that may cause harm to himself/herself or the officer during transport; and
    - (ii) Based upon the officer's best judgement and the circumstances surrounding the incident, the person will not be an immediate threat or danger to themselves or the officer during transport, and

- (iii) The officer feels that handcuffing may exacerbate the situation and cause more trauma to the person.
  - b) If an officer decides not to handcuff a person during transport, the decision should be documented in the report.
  - c) If an officer determines the person should be handcuffed during transport to the mental health facility, they should stop and request a backup car before handcuffing the person if the circumstances make it safe to do so.
- 3. Before being transported, all persons arrested under Section 9.41 will be searched for weapons, dangerous articles or any other items with which they may harm themselves or others.
  - a) The search will include but is not limited to a pat down of all clothing and body surfaces.
  - b) Any weapons, dangerous articles, or items found will be properly secured.
    - (1) Weapons of any kind and items of evidentiary nature will be turned into the property clerk's office. A copy of the report will be given to the individual as a receipt for any property taken into custody.
    - (2) All other property will accompany the individual to the hospital where it will be turned over to hospital security or returned to the individual after the evaluation and release.
- 4. In the event the person cannot communicate sufficiently the person will be transported to the most appropriate catchments facility.

#### C. Documentation

Officers effecting a Mental Hygiene Arrest will complete:

1. A "Uniform Mental Hygiene Form". (Attachment A).
  - a. A copy of the Uniform Mental Hygiene Form will be made for the police department file.
  - b. The original copy will be given to hospital staff.
  - c. In circumstances where an MHA occurs, and a CIT member is involved, the arresting officer will write "CIT" on the bottom of the MHA form.

2. When a person is arrested under the NYS Mental Hygiene Law who may pose a risk to the public and/or police personnel upon his/her release, or who has pending charges with the arresting agency, the arresting officer will check Section 11 of the Mental Hygiene Form (Should the police be contacted before patient release?) indicating who should be contacted and how to contact the officer.
  - a. Upon receiving notification that the person was to be released from the hospital or facility the arresting officer must complete a supplemental narrative on the original report indicating the specifics of the person's release.
3. A standard incident report.

D. Evaluation by Hospital Personnel

1. Under Section 9.39 of the NYS Mental Hygiene Law, the medical facility is authorized to accept an individual who is under a Mental Hygiene Arrest by a police officer. The facility may retain the individual for up to fifteen (15) days.
2. Before an individual can be admitted to a hospital, he/she must be examined by a staff physician and found to meet hospital admission requirements. If the requirements are not met the individual must be released.
3. Under present law the decision to admit in an emergency situation is entirely up to the staff physician. There exists no procedure to ensure hospital retention of the individual. **Therefore, the arresting officer will relate all information concerning the individual to the hospital's Emergency Department (ED) or other appropriate medical personnel. The officer will document the hospital staff person's name in the narrative of the Mental Hygiene Report.**
4. **THERE IS NO MINIMUM** time limit after which the officer may leave the Mental Hygiene Arrest. The arrestee is the responsibility of the arresting officer and at no time is the subject to be left unattended unless hospital or security personnel properly relieve the officer.
5. Release of custody to Community Mental Health Center \ Hospital Personnel:
  - a) When taking custody of a Mental Hygiene Arrest from a Macedon Police Officer, the hospital security personnel will do a thorough pat-down search of the Mental Hygiene Arrest in the presence of the arresting officer.
  - b) The arresting officer will make a notation of the name of the hospital or

security personnel and the time the officer was relieved on the Mental Hygiene Form.

E. When Criminal Charges are Pending

1. Information must be relayed to both the ED staff and hospital security when an individual arrested under the Mental Hygiene Law is also to be charged criminally.
2. **If the subject is eligible for an appearance ticket one may be issued.**
3. If an appearance ticket cannot be issued and the arrestee must be guarded at the hospital emergency department or Community Mental Health Center, the arresting officer's immediate supervisor will make arrangements to have the prisoner arraigned by a Judge/Justice at the most convenient moment available to the Judge/Justice and hospital personnel.
4. When the arrestee has been arraigned by a Judge/Justice and has been evaluated for involuntary admittance to a Community Mental Health Center the arresting officer's immediate supervisor will make arrangements with the Wayne County Sheriff's Office to turn custody of the arrestee over to the Office of the Sheriff.
5. The Macedon Police Department will continue to guard the arrestee until such time that the Wayne County Sheriff's Office takes custody of the subject.

VIII. ESCAPEES FROM A MENTAL HEALTH FACILITY

- A. Section 29.19 of the New York State Mental Health Law authorizes a police officer to apprehend, restrain if necessary, and return a person who escapes from a mental health facility. A person is considered an escapee of a facility when he/she has been **ADMITTED** to that facility.
1. Officers will complete a Missing Person Report on the escaped patient. The report must be signed by the representative of the facility who is authorizing (physician, nurse, person authorized) the return of the patient by his/her signature.
  2. A written report is not necessary if the patient is returned to or taken into custody by the facility during the initial investigation.

IX. TRANSPORTING MENTALLY ILL PATIENTS BY SPECIAL REQUEST



Under the NYS Mental Hygiene Law Section 9.37 and Section 9.45, the Director of Wayne County Public Health (or a designee) is authorized to direct a police officer to take an individual into custody and to transport that individual to a facility for the purpose of observation.

- A. When given the assignment of transporting an individual for observation, action will be taken only after the officer has verified the identity of the "Health Officer Designee" of the Director of Wayne County Public Health who is requesting the transport.
- B. No action will be taken if verification cannot be made. (Officers may direct the physician to locate another physician who is in fact a "designee" or contact the Director of the Department of Mental Health for approval and follow-up).
- C. Officers must also be presented a copy of the State of New York Office of Mental Health Form 474A/476A (3/93) with section II completed and signed by the "designee" before transporting the subject. (see Attachment B)
- D. Officers will complete a Mental Hygiene Arrest package as described in section VII-C of this order. The Incident Report will cite § 9.37 and § 9.45 as listed in section IV of this order. The officer will include in the report the reasons given by the "designee" who authorized the arrest of the subject.

NOTE: Nothing herein precludes an officer from making an arrest of the subject under Section 9.41 for actions that occur in the presence of the officer.

- E. Officers may be assigned to transport a patient from a non-Community Mental Health Center to a Community Mental Health Center facility for observation at the request of a mental health professional from the non-Community Mental Health facility. Officers will comply with the request only if they are given a verified copy of form 474A/476A(3-93).
- F. Transport of the subject will be made by ambulance or by patrol vehicle with permission of the officer's immediate supervisor. Officers transporting an individual by patrol vehicle will follow transporting procedures as per General Order 530 and/or section VII B 2 of this General Order.

#### X. SELECTING CIT MEMBERS

- A. Members shall volunteer to be part of the CIT program.
- B. CIT members should possess patience and compassion for those individuals with mental illness.
- C. Members should have a history of experience and interest in mental health and persons in crisis work history.

## XI. TRAINING

A. CIT members will complete the DCJS Crisis Intervention 40-hour course.

B. CIT members will complete annual training. The CIT Supervisor will be responsible for identifying training needs and facilitating the training.

By Order of the Chief of Police

*John P. Colella*

John P. Colella (Apr 14, 2021 14:47 EDT)

John P. Colella  
Chief of Police

Dated this 5th day of March, 2021