




# Clayton County Police Department

# PROCEDURES

Subject <b>POLICE SOCIAL WORKERS</b>		Procedure # <b>E12</b>	
Authorizing Signature 	Effective <b>09-24-2024</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages <b>10</b>

## I. PURPOSE

The purpose of this policy is to provide procedures for officers requesting the services of a Police Social Worker (PSW). The PSW is a non-sworn position that is intended to support the mission of the Clayton County Police Department (CCPD) with response to **non-criminal calls** for service that involve individuals who may have a mental illness and/or substance abuse, to homeless and indigent. The PSW may also act as an advocate for survivors of domestic violence and other crimes.

## II. POLICY

It is the policy of the Clayton County Police Department (CCPD) to consider and utilize the services of a Police Social Worker (PSW) in those circumstances where the recipient may benefit from their experience and assistance. Employees shall respect the privacy of records of individuals referred to a PSW and shall **not** ask a PSW to share any information learned through confidential counseling sessions except those times where a PSW is required by law to report a disclosure by a client. All work performed by a PSW shall be completed in accordance with the core values and ethical code of the Social Work profession.

## III. DEFINITION

Police Social Worker (PSW): A specially trained and educated professional that promotes social change and development and engages people to address life challenges and enhance their overall well-being and development.

## IV. LEGAL & OTHER REFERENCES

### A. National Association of Social Workers Code of Ethics (NASW)

The NASW Code of Ethics is a set of standards that guide the professional conduct of social workers.

#### 1. Purpose of the NASW Code of Ethics

- a. Professional ethics are at the core of social work. The profession has an obligation to articulate its basic values, ethical principles, and ethical standards. The NASW Code of

Ethics sets forth these values, principles, and standards to guide social workers' conduct. The Code is relevant to all social workers and social work students, regardless of their professional functions, the settings in which they work, or the populations they serve.

- b. The NASW Code of Ethics serves the following six (6) purposes:
- 1) Identifies core values on which social work's mission is based.
  - 2) Summarizes broad ethical principles that reflect the profession's core values and establishes a set of specific ethical standards that should be used to guide social work practice.
  - 3) Designed to help social workers identify relevant considerations when professional obligations conflict or ethical uncertainties arise.
  - 4) Provides ethical standards to which the general public can hold the social work profession accountable.
  - 5) Socializes practitioners new to the field to social work's mission, values, ethical principles, and ethical standards, and encourages all social workers to engage in self-care, ongoing education, and other activities to ensure their commitment to those same core features of the profession.
  - 6) Articulates standards that the social work profession itself can use to assess whether social workers have engaged in unethical conduct. NASW has formal procedures to adjudicate ethics complaints filed against its members. In subscribing to this Code, social workers are required to cooperate in its implementation, participate in NASW adjudication proceedings, and abide by any NASW disciplinary rulings or sanctions based on it.

B. Confidentiality and Substance Use Disorder Patient Records, 42 C.F.R. Part 2

42 CFR Part 2 ("Part 2") is a federal regulation that requires substance abuse disorder treatment providers to observe privacy and confidentiality restrictions with respect to patient records. The HIPAA Privacy Rule also limits use and disclosures of information found in patient records.

1. 42 CFR Part 2's general rule places privacy and confidentiality restrictions upon substance use disorder treatment records.
2. Under the Part 2 general rule, providers may not disclose information in a substance abuse disorder (SUD) patient's record, unless the provider can either obtain consent, or identify an exception to the general rule that specifically authorizes the disclosure.

C. Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 C.F.R. Parts 160 & 164

1. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law that required the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge. The US Department of Health and Human Services (HHS) issued the HIPAA Privacy Rule to implement the requirements of HIPAA. The HIPAA Security Rule protects a subset of information covered by the Privacy Rule.
2. HIPAA Privacy Rule - The Privacy Rule standards address the use and disclosure of individuals' health information (known as "protected health information") by entities subject to the Privacy Rule. These individuals and organizations are called "covered entities." The Privacy Rule also contains standards for individuals' rights to understand and control how their health information is used. A major goal of the Privacy Rule is to ensure that individuals'

health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well-being. The Privacy Rule strikes a balance that permits important uses of information while protecting the privacy of people who seek care and healing.

3. The following types of individuals and organizations are subject to the Privacy Rule and considered covered entities:
  - a. **Healthcare providers:** Every healthcare provider, regardless of size of practice, who electronically transmits health information in connection with certain transactions. These transactions include claims, benefit eligibility inquiries, referral authorization requests, and other transactions for which HHS has established standards under the HIPAA Transactions Rule.
  - b. **Health plans:** Entities that provide or pay the cost of medical care. Health plans include health, dental, vision, and prescription drug insurers; health maintenance organizations (HMOs); Medicare, Medicaid, Medicare+Choice (M+C), and Medicare supplement insurers; and long-term care insurers (excluding nursing home fixed-indemnity policies). Health plans also include employer-sponsored group health plans, government- and church-sponsored health plans, and multi-employer health plans.
  - c. **Healthcare clearinghouses:** Entities that process nonstandard information they receive from another entity into a standard (i.e., standard format or data content), or vice versa. In most instances, healthcare clearinghouses will receive individually identifiable health information only when they are providing these processing services to a health plan or healthcare provider as a business associate.
  - d. **Business associates:** A person or organization (other than a member of a covered entity's workforce) using or disclosing individually identifiable health information to perform or provide functions, activities, or services for a covered entity. These functions, activities, or services include claims processing, data analysis, utilization review, and billing.

#### 4. Permitted Uses and Disclosures

A covered entity is permitted, but not required, to use and disclose protected health information (PHI), without an individual's authorization, for the following purposes or situations:

- a. Disclosure to the individual (if the information is required for access or accounting of disclosures, the entity MUST disclose to the individual).
- b. Treatment, payment, and healthcare operations.
- c. Opportunity to agree or object to the disclosure of PHI. Informal permission may be obtained by asking the individual outright, or by circumstances that clearly give the individual the opportunity to agree, acquiesce, or object.
- d. Incident to an otherwise permitted use and disclosure.
- e. Public interest and benefit activities — The Privacy Rule permits use and disclosure of PHI, without an individual's authorization or permission, for twelve (12) national priority purposes: (1) when required by law, (2) public health activities, (3) victims of abuse or neglect or domestic violence, (4) health oversight activities, (5) judicial and administrative proceedings, (6) law enforcement functions, (7) functions (such as identification) concerning deceased persons, (8) cadaveric organ, eye, or tissue donation,

(9) research, under certain conditions, (10) to prevent or lessen a serious threat to health or safety, (11) essential government functions, and (12) workers compensation.

## 5. HIPAA Security Rule

While the HIPAA Privacy Rule safeguards PHI, the Security Rule protects a subset of information covered by the Privacy Rule. This subset is all individually identifiable health information a covered entity creates, receives, maintains, or transmits in electronic form. This information is called “electronic protected health information” (e-PHI). The Security Rule does not apply to PHI transmitted orally or in writing.

To comply with the HIPAA Security Rule, all covered entities must do the following:

- a. Ensure the confidentiality, integrity, and availability of all electronic protected health information.
- b. Detect and safeguard against anticipated threats to the security of the information.
- c. Protect against anticipated impermissible uses or disclosures.
- d. Certify compliance by their workforce.

Covered entities should rely on professional ethics and best judgment when considering requests for these permissive uses and disclosures. The HHS Office for Civil Rights enforces HIPAA rules, and all complaints should be reported to that office. HIPAA violations may result in civil monetary or criminal penalties.

## V. PROCEDURES

### A. General

1. PSWs are non-sworn employees of the Clayton County Police Department (CCPD) that support the Department’s Uniform Patrol Division (UPD) by responding to **non-criminal calls** for service that involve individuals who may have a mental illness and/or substance abuse to homeless and indigent. See also CCPD SOP: *D37: Responding to Mental Illness & Mental Health Crisis Situations*.
2. PSWs also act as advocates for survivors of domestic violence and other crimes.
3. PSWs will be required to comply with the Department’s core values, policies, procedures and rules and regulations, and all applicable laws.
4. PSWs must conduct themselves in such a manner as to demonstrate the highest standards of professionalism so as to maintain the public trust.
5. PSWs are assigned to the Criminal Investigation Division (CID).

### B. Unit Command Authority

1. The CID Commander (Major), is in charge of the PSW operations; the CID Commander, or authorized designee, shall:
  - a. Decide whether or not a PSW will respond and/or assist on a call; and
  - b. Assign Incident Referrals to a PSW for follow up.
2. A CID Captain will assume command of unit operations in the absence of the CID Commander, and shall be responsible for assisting the CID Commander with the management of all PSWs, specifically with shift assignments, response and/or assistance on calls, referrals, follow up with individuals, statistical data, or other duties related to PSWs.

3. Occasionally, another supervisor assigned to CID may determine whether or not a PSW response is appropriate, either when requested by an officer and/or other situations.

#### C. Authority

1. PSWs are **not** first responders.
2. PSWs are non-sworn employees that support the mission of the Department.
3. PSWs will respond to non-criminal calls for service in the field and perform other administrative activities that do not require actions by sworn officers of the Department.
4. PSWs will **not** be armed nor authorized to arrest or detain suspects, conduct traffic or investigatory stops of vehicles or persons, write citations, issue parking tickets, nor use force other than in self-defense.

#### D. Dress Attire

1. PSWs will dress in a manner that reflects a professional appearance and facilitates the safe and efficient execution of their assigned job functions.
2. PSWs will **not** represent themselves as law enforcement officers, or display any badge or emblem to designate themselves as such.
3. **The carrying of weapons, even if properly licensed, is forbidden. PSWs will not carry any type of weapon (e.g., firearms, baton, knife, mace, pepper spray, etc.) while working as a PSW.**
4. PSWs will be inspected daily by a supervisor for compliance with grooming and dress standards, general appearance, readiness for duty, and to ensure the general condition of equipment are in a state of operational readiness as set forth by CCPD SOP: *D2: Dress Code & Grooming Standards*.

#### E. Radio & Equipment

1. PSWs will be equipped with a police radio, which will enable them to request immediate assistance in emergency situations.
2. PSWs will not carry any type of physical restraint device.
3. PSWs will be issued an identification card that shall be used for official use only, and shall remain as the property of the Department. PSWs shall notify their supervisor if the identification card is lost or stolen. At no time will PSWs display their identification card to secure special privileges or personal gain.
4. PSWs are responsible for the care, control and maintenance of all County equipment permanently and/or temporarily assigned to them. PSWs shall inspect all assigned County equipment prior to each use to ensure operational readiness. In the event any County equipment is lost or stolen, damaged or unusable, PSWs will notify their supervisor in accordance with CCPD SOP: *B14: Agency Property Control*.

#### F. Assigned Vehicle

1. The PSW vehicles are unmarked and assigned to the CID. The PSW's vehicle shall be inspected by the assigned PSW operator prior to operation. The PSW's vehicles shall be inspected monthly. The monthly inspection will be directly supervised and documented in accordance with CCPD SOP: *B8: Vehicle Assignment, Usage & Maintenance*.

2. PSWs will not operate any County-marked police vehicle.
3. Under no circumstance will a PSW vehicle be driven in an emergency mode. It will only be driven in the routine response manner adhering to all traffic laws.
4. PSWs will notify a supervisor of all Department vehicle accidents, or of any damage occurring to a PSW's vehicle or equipment, assigned to them, in their care or occurring in their immediate presence. See also CCPD SOP: *B22: Department Vehicle Accidents & Investigations*.

#### G. Duties & Responsibilities

PSWs duties and responsibilities include, but are not limited to:

1. **Responding to the scene of an officer's request, only when approved by a CID supervisor, and not until an officer has declared the scene safe.**
2. Conducting follow up with:
  - a. Individuals who have had interactions with officers; and
  - b. *Incident Report* referrals, assigned by a CID Supervisor.
3. Working as an advocate for homeless persons to seek support with available resources to the nutritional, medical, emotional and shelter needs.
4. Working with police officers to seek mental health resources for persons who are exhibiting mental health distress but not exhibiting criminal conduct.
5. Assisting and training police officers in responding to mental health calls to include involuntary treatment for mental health crisis as authorized by Georgia law (1013 law).
6. Assisting and training police officers and other personnel in Crisis Intervention for non-criminal human crisis situations. This includes family violence calls where intervention may produce a more long-term resolution than arrest.
7. Operate within the County, utilizing an unmarked Department vehicle. For information regarding use of Department vehicle refer to CCPD SOP: *B8: Vehicle Usage and Mileage*.
8. Communicating on authorized police radio channels.
9. Maintaining an office at the CCPD's Headquarters Facility.
10. Establishing and maintaining good working relations with the public; attending community meetings; responding to questions and requests for information.
11. Conducting training and providing instruction for personnel when responding to and/or encountering persons who may have a mental illness and/or individuals who are homeless. This will include preparing lesson plans, handouts, and audio/video/teaching aids.

#### H. PSW Request for Response

When an officer comes into contact with an individual that might benefit from services provided by a PSW, and that officer is seeking a response from a PSW, the following notifications shall be made.

##### 1. Requesting Officer

The requesting officer will notify their immediate supervisor, and provide information relevant to the incident, to include, but not limited to:

- a. Information on the individual;

- b. Type of call and/or incident type;
- c. Address of the incident and/or response location;
- d. Whether or not the incident and/or response location is deemed safe; and
- e. Explanation why a PSW response would be beneficial to the individual.

2. Supervisor

If the supervisor does not concur, they shall provide the reason to the requesting officer. If the supervisor concurs, they will let the requesting officer know and forward the PSW request to the Sector/Unit Commander.

3. Sector/Unit Commander

If the Sector/Unit Commander does not concur, they shall provide the reason to the supervisor, and this information shall be forwarded to the requesting officer. If the Sector/Unit Commander concurs, they will notify a CID supervisor and request a PSW to respond.

4. CID Supervisor

If the CID supervisor does not concur, they will provide the reason to the Sector/Unit Commander, and this information will be forwarded to the requesting officer.

If the CID supervisor concurs, they will contact the PSW and provide all information relevant to the incident, to include, but not limited to, contact names, phone numbers and radio numbers for the requesting officer and/or the involved supervisor, and the address for the incident and/or response location, so the PSW can respond. The CID supervisor should obtain an estimated time arrival for the PSW, and relay this information so the officers on scene are clear.

5. Unable to Respond

In the event a CID Supervisor determines a PSW is unable to respond (e.g., on another call and/or investigation, scheduled off day, on leave, out of state, extended estimated time arrival, prior commitment, training, etc.), they will notify the Sector/Unit Commander, and this information shall be forwarded to the requesting officer.

6. Call Outs

In the event an officer's request for a PSW response occurs after hours, during a weekend or holiday, the Sector/Unit Commander will contact the on-call CID supervisor.

7. Delays

Under no circumstances will assignments be delayed to await a PSW to become available and/or to respond to an incident.

I. Scene Operations

- 1. Calls for service that originate with the Department through the E911/Communications Center is a potential criminal matter; hence, sworn officers of the Department have overall charge of incidents occurring in the unincorporated areas of the County. **No officer shall request a PSW to respond unless they can ensure the incident and/or response location is safe.**
- 2. The on-scene officer and/or supervisor will be in charge of the incident and shall let the PSW know when it is safe for them to interact with the individual, every reasonable effort shall be made to bring the incident to a safe conclusion that will avoid arresting an individual in need of services. If an arrest becomes necessary, the PSW will not interfere.

3. The safety of the scene and the PSW is the responsibility of the officers, at all times. Officers shall intervene if necessary to stop an individual in need from harming themselves or others.
4. PSWs will not transport individuals. If an individual needs to be transported to an emergency mental health facility, jail or other location, an officer will transport the individual.
5. PSWs are required to follow safety procedures while in the field. Responsibilities at the scene for the PSW include de-escalation of emotional situations, assessments, brief mental status evaluations for suspected emotional disorders, crisis intervention, and linkage to services.
6. PSWs shall not place hands on or intervene physically with individuals. In situations where physical intervention is required, the officer will stay on the scene.
7. PSWs shall not leave the scene until the situation is stabilized, a disposition is determined, or as directed by an officer and/or supervisor.

#### J. Referrals by Officers

1. When an officer receives information about an individual and/or incident that does not require a PSW response, the officer shall request a case number from E911/Communications and complete a detailed *Incident Report*, and indicate PSW referral on the report.
2. *Incident Reports* with a PSW referral will be properly forwarded through the officer's chain of command to the Criminal Investigation Division (CID).
3. A supervisor assigned to the CID will review all *Incident Reports* with a PSW referral to assess and determine the need for case assignment. If further follow-up is needed, the CID supervisor will assign the *Incident Report* referral to a PSW.

#### K. Communications

##### 1. Radio

- a. PSWs shall be aware of their support function and role, and understand their use of the County radio system is not that of a primary user. When PSWs utilize the County radio system, which is associated with public safety functions (e.g., EMS, fire, police, etc.), and the channel or frequency is being utilized for a public safety purpose, they will yield to the public safety radio transmissions and refrain from transmitting any radio traffic. The only exception, is during exigent circumstances involving the safety of a PSW or third party. See also CCPD SOP: *A9: Radio Communications*.
- b. PSWs will possess, commit to memory and utilize Department signals, codes, as applicable, while utilizing the County radio system. Refer to *CCPD SOP: D1: Patrol Operations, Appendix A* for the current Clayton County Police Department Signals, Status Codes, Service Codes and Priority Codes.
- c. All radio communication must be professional, clear, concise, timely, and easily understood by both the E911/Communications Center personnel and field units.
- d. There are situations when PSWs might conduct a follow-up to previous calls and/or an *Incident Report* referral, which do not require police assistance. In those situations, the PSW will notify E911/Communications by radio of their location.

##### 2. Telephone

PSWs will utilize telephones installed within the CCPD Headquarters Facility in a courteous manner. PSWs will submit and maintain their current residential address and telephone



number for departmental contact purposes, with the CID Administrative Assistants. In the event the residence or contact number changes for any reason, it is the responsibility of the PSW to submit any and all changes through the proper method in accordance with departmental policies and procedures within seventy-two (72) hours of the change.

3. PSWs shall adhere to CCPD SOP: *B18: Use of Cell Phones & Other Wireless Telecommunications Devices* while on duty.
4. PSWs will check their County e-mail a minimum of twice each tour of duty.
5. Regarding the use of County computers and data network PSWs shall adhere to CCPD SOP: *B7: Use of County Computers & Data Network*.

#### L. Court Appearances/On-Call Court Status

PSWs will be subject to court appearances and on-call court status. See also CCPD SOP: *C13: Court-Attendance, Conflicts, Demeanor and Preparation*.

#### M. Storage and Confidentiality of Files for Individuals

1. The PSW will be collecting Patient Health Information (PHI) as a part of their normal duties. HIPAA requires heightened security for PHI.

##### 2. Clinical Reports

For the purpose of this policy, Clinical Reports are any records created by a PSW that includes PHI.

- a. Clinical Reports will be pen to paper, typewritten or Microsoft Word; **no electronic reports**.
  - b. Clinical reports are not to be shared with personnel of this Department except as allowed by HIPAA rules.
  - c. Once a clinical report is made, officers have no right to access it except for the very few rules that permit the sharing of PHI such as to protect a patient, and the PSW will make such determination.
  - d. Clinical reports for individuals shall be kept confidential and shall be stored under two (2) locks; a door lock and a HIPAA compliant filing cabinet that is locked.
  - e. Clinical reports are not subject to open records pursuant to O.C.G.A. 50-18-72(a)(2).
  - f. Clinical reports may only be released by a PSW if the client signs the *Clayton County Police Department Social Work Services Authorization to Release Information Form*, or provides a PSW with written authorization to affix their signature to the form on their behalf. Information may be released for the purpose of:
    - 1) Coordinating medical, social, psychological and other services;
    - 2) Providing housing assistance and determining rental subsidy;
    - 3) Providing referral information; and
    - 4) Research and statistical data for publication purposes.
3. Information in an individual's file shall be protected under the Federal regulations governing Confidentiality and Substance Use Disorder Patient Records (42 C.F.R. Part 2) and the Health Insurance Portability and Accountability Act of 1996 (45 C.F.R. parts 160 & 164).

## N. Data Collection

PSWs can still collect statistical information data (number of calls, referrals and patients helped, etc.) that does not identify a specific individual. PSWs shall maintain anonymous demographic data on individuals they interact with and provide services to.

1. This data shall also include information on the number of individuals with which contact is made, services are provided to, etc., for comparison purposes.
2. This data shall not contain any identifying information about individuals and shall be considered separate and distinct from the protected information contained in any clinical report maintained by the PSW.
3. This anonymous data shall be compiled on a monthly basis and provided to the respective CID supervisor to review and forwarded through the chain of command.

## O. Complaint

1. Any complaint of improper behavior by a PSW that is received by the Department will be investigated. Normally, the investigation will be conducted by the PSW's supervisor when such incident occurred, unless the allegation warrants investigation by another supervisor or the Internal Affairs (IA) Unit. Complaints will be conducted in accordance with *CCPD SOP: E1: Internal Affairs Investigations*.
2. PSWs can be removed from their assignment at the discretion of the Chief of Police.

## P. Training

1. PSWs shall receive training appropriate to their assigned duties.
2. PSWs will also be trained in first aid and will be required to meet annual training requirements and other mandatory training requirements offered through the Department.

## VI. POLICE HUMAN SERVICES SPECIALIST

- A. The Police Human Services Specialist (PHSS) is a non-sworn employee of the CCPD that supports the mission of the Department and will assist the Police Social Worker (PSW) with **non-criminal calls** and PSW duties described in this procedure.
- B. The PHSS is assigned to the Criminal Investigation Division (CID) and will comply with the CCPD's core values, policies, procedures and rules and regulations, and all applicable laws.

## VII. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *E12: Police Social Workers*, dated October 26, 2021.