

Emergency Detentions

417.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under an emergency detention.

417.2 POLICY

It is the policy of the Kitsap County Sheriff's Office to protect the public and individuals through legal and appropriate use of the emergency detention process.

417.2.1 MENTAL HEALTH DETENTIONS

- (a) A non-emergency detention is defined as one where the mentally disabled subject presents a likelihood of serious harm; or is gravely disabled. In such cases, deputies may take the subject into custody only when:
 - 1. The mentally disabled person has been evaluated by a designated mental health professional; and
 - 2. Upon determining the need for detention, the mental health professional has filed a petition for initial detention; and
 - 3. The mental health professional has requested that the deputy take the subject into custody and have him or her placed in a treatment facility (RCW 71.05.150).
- (b) An emergency detention is defined as one where, as the result of a mental disorder a person presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled. In such cases, deputies may take the subject into custody only (RCW 71.05).
 - 1. At the written or oral request of a designated mental health professional who has evaluated the subject and determined the need for an emergency detention, or
 - 2. When the deputy has reasonable cause to believe that the person is in need of emergency detention.
- (c) Emergency detentions based upon the written or oral request of a designated mental health professional evaluation will be 72-hour holds. Emergency detentions based upon the deputy's reasonable cause will be 12-hour holds.
- (d) In all circumstances where a person is taken into custody on an emergency mental health detention, the deputy shall complete a behavioral health report and provide the report to an Emergency Department staff member regarding the circumstances leading to the detention.

417.2.2 RESTRAINTS

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

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417.2.3 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's unit.

417.3 AUTHORITY

A deputy may take a person into emergency detention when either (RCW 71.05.150; RCW 71.05.153; RCW 71.05.201; RCW 71.34.710; RCW 71.34.351):

- (a) There is reasonable cause to believe that a person is suffering from a behavioral health disorder (e.g., mental disorder, substance abuse disorder) and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled
- (b) The deputy has received an order authorizing emergency detention from a court or a designated crisis responder

Persons taken into emergency detention should be transported to an appropriate facility as soon as practicable.

417.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the emergency detention process, if appropriate.

417.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for emergency 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 behavioral health issues.

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

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

417.5 TRANSPORTATION

Transport for any individual into emergency detention shall be conducted in accordance with the Transporting Persons in Custody Policy.

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

417.6 TRANSFER TO APPROPRIATE FACILITY

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

Absent exigent circumstances, the transporting deputy 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 deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

417.7 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken into emergency detention should resolve the criminal matter by forwarding the report to the Prosecutors Office for review or charging, as appropriate.

When an individual who may qualify for emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy 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 the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for 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 this office to regain custody of the individual, office resources (e.g., posting a guard), and other relevant factors in making this decision.

417.8 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into emergency custody, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under

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the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

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

417.8.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

Weapons taken into custody for safekeeping under section 418.9 will be returned to the lawful owner upon request unless the seizing deputy or the assigned detective has placed a hold on the weapons pending a petition for retention, the petition has been granted, or is pending before the court. Once the petition has been ruled on by the court, the weapons will be released or disposed of in accordance with the court order.

Prior to releasing any weapon, property room personnel shall be required to ensure the person is legally eligible to possess the weapon.

In the event that no timely petition is filed with the court or the court denies such a petition, the seized weapon shall be eligible for release to the lawful owner or other authorized individual unless such weapon(s) represent evidence in a criminal matter or there is other independent good cause to continue to retain custody of the weapon.

417.9 TRAINING

This office shall provide Criminal Justice Training Commission-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention in accordance with RCW 43.101.427.