

**LITTLE ROCK POLICE DEPARTMENT
GENERAL ORDER****G.O. 309 HANDLING MENTALLY ILL PERSONS**

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I. Purpose

- A. The purpose of this General Order is to provide officers with the resources necessary to effectively assist persons who appear to need some type of mental health service. This Order provides officers information on legal and procedural requirements, as well as information on community resources, which may assist them in providing a higher degree of service to our citizens.
- B. This Order does not prevent or inhibit the placing of criminal charges against any person, due to mental illness. The determination of mental capacity, in regard to criminal proceedings, is a matter for consideration by a criminal court, and is not relevant to the civil commitment provisions contained in this Order.

II. Procedures

- A. All entry-level personnel will be trained in understanding mental illness.
 - 1. The Training Division will be responsible for in-service training in Mental Illness annually.
 - 2. The In-Service Training Sergeant will assess ongoing needs for training, equipment, and policy regarding the understanding of mental illness and working with those subjects that have a mental illness.
- B. In all cases involving the mentally ill, the primary obligation of the responding Officer is the safety of the public. This General Order should not be construed to restrict officers from making legal arrests of persons who are believed to suffer from mental illness when such arrests are advisable. However, if such arrest is not warranted, it is the function of the officer to conduct a brief assessment of the mental health needs of the person in question and exercise one of the following options:
 - 1. Contact the nearest Emergency Room. Should it be necessary to seek an involuntary commitment of the patient under Arkansas Law (A.C.A. § 20-47-207) a State Mental Health member will be able to initiate the process. The responding Officer will assist in this process to whatever extent possible. This is the appropriate course of action under the following circumstances:
 - a) When the person is acutely violent.
 - b) When the person is in need of medical treatment.
 - c) When the person is unwilling to seek voluntary medical treatment.

2. In instances where an evaluation of the person reveals behavior that would appear to meet the criteria for involuntary admission, the evaluator may seek a petition for commitment.
3. If such behavior is apparent to the Officer, however the subject does not present it during an evaluation, it will be necessary for the officer to seek a commitment petition. State Mental Health personnel shall assist Officers in obtaining the petition.
4. When an officer receives information from a citizen indicating that an individual's behavior appears to meet criteria for involuntary admission, but the officer did not witness the behavior, they shall evaluate the situation and determine if it is advisable to request that the citizen obtain a petition for involuntary commitment of the individual in question. The officer may also request the citizen meet or accompany him to an Emergency Room or any such location for the purpose of assisting in the commitment process. Such cooperation from a citizen shall always be voluntary in nature; officers shall not indicate that this cooperation is required under law.
5. Method of Transport – In order to provide for the safety of both officers and citizens, officers will utilize patrol units equipped with safety screens to transport persons to an Emergency Room. Those persons, who cannot be transported in a police vehicle, due to physical limitations, may be transported by ambulance.
6. Juveniles – When attempting to locate mental health services for persons under the age of eighteen officers should attempt to contact the juvenile's parent or guardian.
 - a) If contact with a parent or guardian is not possible the Department of Human Services may be contacted at their twenty-four hour emergency telephone number 1-800-482-5964.
 - b) Officers who need to place a juvenile in emergency protective custody due to mental illness should follow procedures outlined in G.O.307.

III. General

- A. At no time should this General Order be construed as limiting the authority, or relieving the responsibility, of all officers to provide necessary police services to all persons without regard to mental illness. With the prevalence of mental illness in society officers must be prepared to deal with persons suffering from these conditions on a frequent basis during the course of their duties. Officers should remember that the majority of persons in need of mental health care represent no danger to others; however, there are exceptions that can become extremely violent and combative with little or no apparent warning. For this reason, officers should exercise extreme caution in their approach to such individuals.
 1. Avoid excitement, confusion, or upsetting circumstances. These may frighten the person, inhibit communications, and increase the risk of physical injury to the subject, the officer or other persons.
 2. Do not abuse, belittle, or threaten the person. Such actions may cause the person to become alarmed and distrustful.

3. Do not deceive the person. This may limit chances for successful treatment and make future management of the person by other officers more difficult.
4. Do not take the person's anger personally. Ignore any attacks on your character, physical appearance or profession, and encourage ventilation to safely release the frustration.
5. Remain professional in your contacts with the person. With an image of quiet self-assurance and an insistence on your orders being followed, gently indicate that your only intention is to help the person.

IV. Mental Health Law

- A. Act 861 of 1989 (A.C.A. § 20-47-201 et seq.) sets forth the requirements and responsibilities for the care, custody and treatment of persons, believed to be in need of mental health services, due to mental illness.
- B. Mental Illness (A.C.A. § 20-47-202) refers to a substantial impairment of emotional processes, or of the ability to exercise conscious control of one's actions, or the ability to perceive reality or to reason, when the impairment is manifested by instances of extremely abnormal behavior or extremely faulty perceptions. It does not include impairment solely caused by epilepsy, mental retardation, continuous or non-continuous periods of intoxication, caused by substances such as alcohol or drugs, or dependence upon or addiction to any substance, such as alcohol or drugs.
- C. Voluntary Admission (A.C.A. § 20-47-204) - Any person, who believes himself to have a mental disease or disorder, may apply to a mental health receiving facility for admission. If the screener at a receiving facility shall be satisfied, after examination of the applicant, that he is in need of mental health treatment and will be benefited thereby, he may receive and care for the person in the receiving facility, for such time as he shall deem necessary for the recovery and improvement of said person, provided that said person agrees at all times to remain in the facility.
- D. Involuntary Admission (A.C.A. § 20-47-207) - A person shall be eligible for involuntary admission if he is in such mental condition, as a result of mental illness disease or disorder, that he poses a clear and present danger to himself or others.
 1. A clear and present danger to himself is established by demonstrating that:
 - a) The person has inflicted serious bodily injury on himself, or has attempted suicide or serious self-injury, and there is a reasonable probability that such conduct will be repeated, if admission is not ordered; or,
 - b) The person has threatened to inflict serious bodily injury on himself and there is a reasonable probability that such conduct will occur, if admission is not ordered; or,
 - c) The person's behavior demonstrates that he so lacks the capacity to care for his own welfare, that there is a reasonable probability of death, serious bodily injury, or serious physical or mental debilitation, if admission is not ordered.
 2. A clear and present danger to others is established by demonstrating that the person has inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another, and there is reasonable probability that such conduct will occur, if admission is not ordered.

V. Mental Health Probate Court Orders

- A. The Warrants Unit Sergeant shall receive any Mental Health Probate Court Order, during normal working hours. If the Warrants Unit Sergeant is not working, the Desk Officer shall receive the order. Upon receipt the Order shall be forwarded to the appropriate Field Services Shift Commander for service.
 - 1. All Probate Court Orders shall be served, as soon as possible.
 - 2. Probate Court Orders are valid for one year.
- B. Immediate Detention Orders
 - 1. When a Probate Court Order is received by the Warrants Unit Sergeant, or the Desk Officer, for the transport of a person "For Immediate Detention", at least four copies of the Order shall be made.
 - a) One copy shall be used as a "Court Copy" to be returned to the issuing court, one for the receiving agency, one for Records Division files and one for the person named in the Order.
 - b) Each copy shall also contain the person's Commitment Rights Form and any other papers attached by the Probate Court.
 - 2. When the person named in the Order is located, taken into custody, and is being transported to the facility, designated in the order, the facility shall be contacted and advised that the officers are en route with a person "For Immediate Detention".
 - 3. After arriving at the facility, the facility's security staff shall accept control of the person. There is no statute requiring officers to provide security, when a probate court has ordered detention.
 - a) Should the facility fail to notify their security staff, officers shall advise them the Order only requires an Officer to deliver the person named.
 - b) Officers should document all cases where they were required by Hospital staff to remain over twenty minutes with a person, who is delivered under an Immediate Detention Order.
 - 4. When the Order is served, or service was attempted but not successful, the Court Copy shall be returned to the Warrants Unit Sergeant's Office, with notation that the Order was, served or service was attempted, the date and time served or attempted, and the officer's name(s) and employee number(s). [CALEA 74.1.2.a, b]
 - 5. After the Order is served, Warrants Unit personnel shall stamp the "Court Copy" with the service stamp provided for this purpose and return the Order to the issuing court, within five working days.
 - 6. The Probate Court is located on Unit 4 (upper level) of the Arkansas State Hospital and the phone number for the Prosecutor Coordinator, assigned to the Court, is 686-9193.

C. Order of Admission or Evaluation

1. A person involuntarily admitted to a mental health facility, who absents himself without leave or fails to comply with the court-approved treatment plan, shall be returned to the facility, upon the request of the person's treatment staff (A.C.A. 20-47-219).
2. The prosecutor coordinator, or the ASH Admissions Office, will verify the current status of the Commitment Order and provide the case number, date of Commitment Order, a copy of the Respondent's Rights Form, and specific admission procedures for the person to the Warrants Unit Sergeant, or Field Services Shift Commander, by hand or facsimile (FAX) transmission to the Records Division.
3. Orders of Admission or Evaluation may be served with consideration given to the time of day and manpower requirements. The information contained in these Orders shall be given to Communications for broadcast to all field units.
4. After the prosecutor coordinator has supplied the required information, officers shall:
 - a) Obtain the documents from the Desk Officer or the ASH Admissions Office;
 - b) Attempt to locate the person;
 - c) Transport the person to the designated mental health facility, if the person can be located; and
 - d) Return the Order to the Desk Officer, with notation of the date and time of service or attempted service, and the name and employee number of the officer(s) serving or attempting service of the Order.

D. Use of Force - Officers may use reasonable and appropriate physical force, necessary to control and transport persons, for the purpose of involuntary admission or for the enforcement of a probate court order, in compliance with Arkansas law (A.C.A. § 5-2-605) and Departmental policies.

1. Appropriate reports shall be completed, in accordance with departmental guidelines, for Use of Force in every instance where force is used for such control or transport.
 - a) Copies of these reports shall be maintained in the Warrant Squad office, if the use of force occurred during the enforcement of a Probate Court Order.
 - b) Copies of these reports shall be forwarded to the Training Division for inclusion in the annual Use of Force Analysis.

Additions and revisions are *italicized and underlined*.