

Emergency Evaluations

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person into custody for an emergency evaluation (§ 53-21-129, MCA).

410.2 POLICY

It is the policy of the Missoula Police Department to protect the public and individuals through legal and appropriate use of the emergency evaluation process.

410.3 AUTHORITY

An Officer may take a person into custody for an emergency evaluation when an emergency situation exists as defined by § 53-21-102, MCA and the person appears to have a mental disorder and presents an imminent danger of death or bodily harm to him/herself or to others or who appears to have a mental disorder and to be substantially unable to provide for his/her own basic needs of food, clothing, shelter, health or safety (§ 53-21-129, MCA).

The person may be taken into custody only for sufficient time to contact a professional person (i.e., medical doctor, advanced practice registered nurse with a specialty in psychiatric mental health nursing, licensed psychologist or a person certified by the Department of Public Health and Human Services) to determine if the person should be transported to the appropriate facility. If possible, the medical professional should be called prior to taking the person into custody (§ 53-21-129, MCA).

410.3.1 VOLUNTARY EVALUATION

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

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Enlist the assistance of the Mobile Support Team.

If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with obtaining an emergency evaluation, if appropriate.

A voluntary evaluation will be documented in call notes entered by the officer.

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for an emergency evaluation should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) The Mobile Support Team

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- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources that may be readily available to assist with mental health issues.

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

An emergency evaluation may be considered over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

410.5 TRANSPORTATION

When transporting any individual for an emergency evaluation, the transporting officer shall have Dispatch notify the receiving facility of the expected arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport.

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. The officer shall remain present to provide clarification of the grounds for the evaluation, upon request.

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

410.7 DOCUMENTATION

When a case report is required, copies will be forwarded to the Missoula CIT Program and the County Attorney's Office.

The officer will also provide a verbal summary of the incident to any evaluating staff, explaining the circumstances that led to the emergency evaluation.

An incident report will be completed or CAD notes will be added in all voluntary evaluations.

A Case Report is required for:

- (a) Involuntary Commitments.
- (b) Incidents involving criminal offenses, or
- (c) Anytime force is used.

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Additionally, when transferring a subject to a participating mental health facility, such as St. Patrick's Hospital, Community Hospital, Riverwalk Crisis Receiving Center, or Dakota House, the officer shall complete a Mental Health Referral Form (MHRF). The officer will retain a copy of the MHRF and route it to the Missoula CIT Program.

410.8 CRIMINAL OFFENSES

When an individual who may qualify for an emergency evaluation has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer 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 evaluation.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency evaluation.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency evaluation, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers 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 officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

410.10 TRAINING

The Training Unit shall be responsible for ensuring members receive periodic training on interaction with mentally disabled persons, emergency evaluations and crisis intervention.