

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> September 1, 2010		<i>Directive</i> 7.35.1	
<i>Subject</i> Managing Incidents Involving Mentally Ill Persons					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> No Reference		<i>Review Date</i> January 18, 2020	
				<i>Pages</i> 4	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to provide guidance to officers when dealing with suspected mentally ill persons.

SECTION 2 POLICY

It is the policy of the Department to attempt to recognize when persons are suffering from mental illness and accordingly employ special police skills and abilities to effectively and legally deal with the person so as to avoid unnecessary violence and potential civil litigation. It is also the policy of the Department that all officers shall be guided by this state's law and the provisions of this directive regarding the detention of the mentally ill. Officers shall use this directive to assist them in defining whether a person's behavior is indicative of mental illness.

SECTION 3 PROCEDURES

- A. A subject may suffer from mental illness if he/she displays an inability to think rationally, exercise adequate control over behavior or impulses (e.g. aggressive, suicidal, homicidal, sexual), and/or take reasonable care of his/her welfare with regard to basic provisions for clothing, food, shelter, or safety.
- B. Responding to incidents in which a mentally ill person is involved requires tact, patience and understanding by the police officer. Incidents arising from activities of a mentally ill person may be extremely dangerous to officers, bystanders, or the mentally ill person. The degree to which an officer can intervene in situations involving a mentally ill person is limited by law, but the officer must respond to take lawful action in order to:
 - 1. Protect the public from harm which may be caused by the mentally ill person;
 - 2. Protect the mentally ill person from harm which may be caused by himself or others;
 - 3. Provide a stabilizing force to any conflict which may arise from the actions of the mentally ill person; and

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4. Aid in acquiring proper medical attention for the mentally ill person.

C. AUTHORITY TO APPREHEND

1. The Texas Health and Safety Code, Section 573.001 gives peace officers the authority to apprehend without a warrant any person the officer has reason to believe and does believe is mentally ill. A peace officer, without a warrant, may take a person into custody if the officer has reason to believe and does believe:
 - a. that the person is mentally ill and
 - b. because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained and
 - c. believes that there is not sufficient time to obtain a warrant before taking the person into custody.
2. A substantial risk of serious harm to the person or others may be demonstrated by:
 - a. The person's behavior, or
 - b. Evidence of severe emotional distress and deterioration in the person's mental condition to the extent that the person cannot remain at liberty.
3. The peace officer may form the belief that the person meets the criteria for apprehension:
 - a. from a representation of a credible person, or
 - b. on the basis of the conduct of the apprehended person or the circumstances under which the apprehended person is found.
4. An officer who takes a person into custody under this statute shall immediately transport the apprehended person to:
 - a. the nearest appropriate inpatient mental health facility, or
 - b. a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available.
 - c. A jail or similar detention facility ONLY if the person being detained is kept separate from any person who is charged with or convicted of a crime.
5. Alcoholism and drug abuse is not considered a mental illness and is not a basis to apprehend a person without a warrant under the Texas Mental Health Code.

D. GUIDELINES FOR HANDLING NON-VIOLENT MENTALLY ILL PERSONS

1. Mentally ill persons who are not an immediate danger to themselves or other persons should not be taken into custody without a warrant in the absence of criminal charges.

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2. Whenever possible, officers should attempt to locate responsible friends or relatives of the person and have them take control of the person. Officers should advise any friends or relatives taking control of the person to contact Health Corp. during usual business hours Monday through Friday or call the 24-hour crisis line for assistance after hours or on weekends and holidays.

E. VIOLENT PERSONS - APPREHENSION WITHOUT A WARRANT

1. Under normal circumstances, if an officer takes into custody a person for the purpose of emergency commitment without a warrant, the officer shall follow the guidelines in effect at that time as set out by the Justice of the Peace.
2. The Bowie County Justices of the Peace have requested that mentally ill persons be taken to either of the local hospitals for evaluation by Health Corp. personnel.

F. APPREHENSION OF MENTALLY ILL PERSONS WITH A WARRANT

1. An officer may obtain a warrant for the emergency apprehension of a mentally ill person by appearing before the Justice of the Peace and completing the appropriate application which is available from the Justice of the Peace.
2. Officers apprehending mentally ill persons with a warrant shall transport the person to a local hospital and follow the procedures outlined in Section H of this directive.
3. Officers who execute emergency commitment warrants shall ensure the proper return of said warrant is made to the issuing magistrate.

G. FORCIBLE ENTRY INTO RESIDENCES

Officers attempting to apprehend persons for emergency commitment, either with or without a warrant, may not make forcible entry into a residence except under the following circumstances:

1. When an extreme emergency exists where immediate entry is necessary to protect the life of the person to be apprehended or the life of another person.
2. When a written consent to search has been obtained from the owner of the residence.
3. When a search warrant has been issued by a magistrate.
4. When a magistrate has issued a warrant for the emergency apprehension of the mentally ill person.

H. TRANSPORTING PERSONS TO STATE HOSPITAL OR OTHER FACILITY

1. Officers should contact LifeNet EMS to assist with the transport of a mentally ill person to local hospitals for treatment if the person is injured, ingested poison, drugs, or prescription medications, or otherwise in need of medical care.
2. Officers may use their patrol vehicle to transport a mentally ill person to a local hospital for evaluation when the person is not injured or ill. The person should be properly secured in handcuffs and possibly additional restraints whenever necessary for the safety of the officer and the safety of the person being transported. A second officer should accompany the transporting

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officer to the hospital and remain with the transporting officer until the mentally ill person is properly secured and safely situated in a hospital room.

3. After evaluation by Health Corp, if the person is deemed mentally ill and requiring committal to a state hospital or other mental health treatment facility, then the Justice of the Peace will complete an "Order for Emergency Apprehension and Detention". This order is to be delivered to a representative of the Bowie County Sheriff's Department. The transport to a state hospital or other mental health treatment facility will be the responsibility of the Bowie County Sheriff's Department.
4. An officer should stay with the mentally ill person until the arrival of Bowie County Sheriff's Department personnel unless medical staff or hospital security staff is willing to take charge of the patient and the patient is secured and situated so that they pose no apparent threat to themselves or any other person.
5. If the hospital's medical staff or hospital security staff is unwilling to take responsibility for the patient, then the officer must remain with the mentally ill person until the arrival of Bowie County Sheriff's Department personnel.

I. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.