
	MESQUITE POLICE DEPARTMENT
	205.00 HANDLING OF MENTALLY ILL PERSONS
	Effective Date: December, 2016
	Approved: _____  Chief of Police

I. Definitions

- A. Mental Illness - An illness, disease, or condition which either:
 - 1. substantially impairs the person's thought, perception of reality, emotional process, or judgment; or
 - 2. grossly impairs behavior as manifested by recent disturbed behavior.
- B. Mentally Ill Person - A person who is suffering from the mental conditions described above. The term does not include one who suffers from epilepsy, senility, alcoholism or mental deficiency.

II. Methods of Acquiring Diagnosis and Treatment

Persons believed to suffer from a mental illness may receive diagnosis and treatment through one of several procedures. The facts of each case must be evaluated individually in order to determine an appropriate course of action. Methods of acquiring diagnosis and treatment include:

- A. Self-initiated voluntary admission to a treatment facility.
- B. Magistrate's Order for Emergency Apprehension and Detention (or Mental Illness Warrant):
 - 1. based on application of a peace officer, or
 - 2. based on application of a family member or other credible adult citizen.
- C. Emergency Detention based on Apprehension by a Peace Officer without Warrant.

III. Self-Initiated Voluntary Admission

- A. If the subject does not appear to evidence a substantial risk of serious harm to himself or others unless immediately restrained, self-initiated voluntary admission may be the only available method of obtaining treatment for the individual.
- B. Where the best interests of the community and/or of the individual require it, a supervisor may approve police transportation of an individual to an approved local inpatient mental health facility for voluntary self-admission. Such transportation will not constitute an apprehension or an arrest, unless criminal charges exist.

IV. Magistrate's Order for Emergency Apprehension and Detention (or Mental Illness Warrant)

- A. Where the subject appears to evidence a substantial risk of serious harm to himself or others, but is not conducting himself in a violent or threatening manner in the presence of the officer, an application for a Magistrate's Order for Emergency Detention would be appropriate.
 - 1. Such application may be made to any magistrate by:
 - a) a peace officer, or
 - b) any credible adult person.
 - 2. Such application must set out, in affidavit form:
 - a) the applicant has reason to believe and does believe, the person evidences mental illness;
 - b) the applicant has reason to believe, and does believe, the person evidences a substantial risk of serious harm to himself or others, which risk of harm shall be specified and described;
 - c) the applicant has reason to believe, and does believe, the risk of harm is imminent unless the person is immediately restrained;

- d) the applicant's beliefs are based on specific recent behavior, overt acts, attempts, or threats, which behavior, acts, attempts or threats shall be described in specific detail; and
 - e) the relationship, if any, of the applicant to the person sought to be detained.
 - 3. The application may be accompanied by any relevant information.
 - 4. The application shall be presented personally to the magistrate, who shall examine it and may interview the applicant.
 - 5. The magistrate shall deny the application unless he finds there is reasonable cause to believe:
 - a) the person evidences mental illness;
 - b) the person evidences a substantial risk of serious harm to himself or others;
 - c) the risk of harm is imminent unless the person is immediately restrained; and
 - d) that necessary restraint cannot be accomplished without emergency detention.
 - B. Upon apprehension of a person based on a Magistrate's Order, that person shall be transported to an approved inpatient mental health facility, or other facility named in the order. Such person shall not be placed in jail.
 - C. Where possible, family members or other persons familiar with the person's state of mind should be referred to the Psychiatric Emergency Room, in order to better acquaint the examining psychiatrist with the person's history.
 - D. Upon completion of the person's admission, an Information report containing details of the emergency apprehension shall be completed.
- V. Apprehension by Peace Officer Without Warrant
- A. An officer who has probable cause, based on the observed conduct of a person or the circumstances under which the person is found, that:
 - 1. the person is mentally ill, and
 - 2. because of such illness represents a substantial risk of serious harm to himself or others unless immediately restrained, and
 - 3. there is not sufficient time to obtain a warrant, may, with supervisory approval, take that person into custody without warrant and immediately transport him to an approved inpatient mental health facility.
 - B. The apprehending officer must have personally witnessed the conduct or circumstances which justify the emergency detention. Where no such conduct or circumstances are witnessed by the officer, but are alleged by a credible witness, a supervisor may authorize the arrest based on the information available or request that a Mental Illness Warrant be sought, based on the affidavit of that witness.
 - C. The broad authority which this provision appears to grant to a peace officer, coupled with the overriding judicial trend against warrantless restraint of an individual's liberty, should raise serious concerns in the mind of the officer considering the use of this statute. It is recommended that great care and restraint be exercised in the decision to apprehend, without warrant, a person believed to be mentally ill.
 - D. A person apprehended under this section shall not be placed in jail except in an extreme emergency, and shall be kept separate from persons charged with a crime.
 - E. Upon arrival at an approved inpatient mental health facility, the officer shall complete an Application To Facility For Emergency Detention Without A Warrant And Acceptance For Preliminary Examination. A supply of the application forms will be available at the facility (see Exhibit No. 200-2). The application shall contain the following information:

1. The officer has reason to believe, and does believe, the person evidences mental illness.
 2. The officer has reason to believe, and does believe, the person evidences a substantial risk of serious harm to himself or others, which risk of harm shall be specified and described.
 3. The officer has reason to believe, and does believe, the risk of harm is imminent unless the person is immediately restrained.
 4. The officer's beliefs are based on specific recent behavior, overt acts, attempts or threats, observed by the officer, which behavior, acts, attempts or threats shall be described in specific detail; and
 5. The names and relationships to the person, if any, of any other credible persons reporting or observing such recent behavior, acts, attempts, or threats.
- F. Where possible, family members or other persons familiar with the person's state of mind should be referred to the Psychiatric Emergency Room, in order to better acquaint the examining psychiatrist with the person's history.
- G. If the person is not admitted after a preliminary examination, the Mesquite Police Department may be required to arrange for the return of the person to the location of his apprehension, or to his place of residence or other suitable place (unless he is arrested or objects to the return).
- H. If the person is admitted, an Information report containing details of the apprehension without a warrant shall be completed.
- I. A list of approved inpatient mental health facilities will be maintained by the Chief's appointed designee in the Watch Commander's office.

EFFECTIVE: May, 1984; REVISED: September, 1990; FORMERLY: C/84-22, 76-22; REVISED: January, 1996; REVISED: August, 2011; REVISED: March, 2013; REVISED: December, 2016

Emergency Detention No. _____

THE STATE OF TEXAS
FOR THE BEST INTEREST AND PROTECTION OF:

NOTIFICATION OF EMERGENCY DETENTION

Now comes _____, a Peace Officer with Mesquite Police Department,

1. I have reason to believe and do believe that (name of person to be detained) _____ evidences mental illness.
2. I have reason to believe and do believe that the above-named person evidences a substantial risk of serious harm to himself/herself or others based upon the following:

3. I have reason to believe and do believe that the above risk of harm is imminent unless the above-named person is immediately restrained.
4. My beliefs are based upon the following recent behavior, overt acts, attempts, statements or threats observed by me or reliably reported to me:

5. The names, addresses and relationship to the above-named person of those persons who reported or observed recent behavior, acts, attempts, statements or threats of the above-named person are (if applicable):

For the above reasons, I present this notification to seek temporary admission to the (name of facility) _____ inpatient mental health facility or hospital facility for the detention of (name of person to be detained) _____ on an emergency basis.

Exhibit No. 200-2 Apprehension by Peace Officer without Warrant