	NEW PALTZ POLICE DEPARTMENT Policy and Procedures	
	<i>Subject</i> 107.0 Persons in Crisis	
	ISSUED: August 5, 2016	EFFECTIVE: August 5, 2016
	REVISED: June 16, 2023	RESCINDED:
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Persons in Crisis

107.1 PURPOSE

To establish guidelines to safeguard officers and members of the community who are dealing with mental health issues.

107.2 POLICY AND PROCEDURE

- A. A person who is determined to be a danger to themselves or others can be involuntarily removed to a hospital for medical treatment by a police officer pursuant to sections 9.41 and 22.09 of the New York State Mental Hygiene Law (MHL). These situations can be extremely dangerous and involve unpredictable behavior that changes rapidly. In dealing with emotionally disturbed subjects, it is necessary to keep in mind that these individuals may often lack the ability to think clearly and rationally. It is the goal of the New Paltz Police Department that its police officers deal with subjects who are experiencing difficulties in the most humane, respectful, and constructive manner possible.
1. Officers should attempt to speak with the person, develop rapport and gather as much information from the person to decide on the best course of action. Questions should include:
 - i. Do you want to kill yourself?
 - ii. Do you want to hurt yourself?
 - iii. Have you ever thought about killing/hurting yourself?
 - iv. Have you ever tried to kill/hurt yourself?
 - v. What is bothering you now?
 2. If circumstances allow, the officers should take the time to engage the person in dialogue to help determine whether the person is a danger to themselves or others.
- B. Officers may decide to allow a person who is coherent and aware of their need for treatment to be voluntarily transported by EMS to the hospital but must also be prepared to take a subject into custody for an involuntary transport under the Mental Hygiene Law. If a person is voluntarily requesting a transport, officers will request EMS to transport the person. At no time shall officers threaten a subject with arrest to make that person acquiesce to a voluntary transport.
1. Officers do not need to complete an Ulster County "Police Agency Request for Mental Health Evaluation of a Person Alleged to have an Emotional Disturbance" form for a voluntary transport.
 2. Factors to be considered with the use of involuntary transports are:

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- i. Observations on the mental state of the subject
- ii. Psychological history of the subject
- iii. Knowledge of any threats made by the subject
- iv. Level of intoxication
- v. Ability of the subject to cause harm to others or themselves
- vi. Ability of the subject to care for themselves

C. Any member taking a subject into custody pursuant to the Mental Hygiene Law must ensure to properly protect the subject and emergency services personnel with the appropriate use of handcuffs or other restraints when the subject is violent, resists, is directed to do so by a physician, or is at risk to escape.

D. The minimum amount of force that is determined to be objectively reasonable and necessary should be employed when taking a subject into custody.

1. If circumstances permit, officers should wait for adequate back-up, including response from the Mobile Mental Health Team, before trying to take an emotionally disturbed person into custody to minimize the amount of forced used.


- i. If circumstances permit, members should try to utilize the Mobile Mental Health Team to try and persuade the person to go to the hospital if law enforcement efforts have failed.

2. At all times appropriate safeguards are to be maintained when transporting and safeguarding the individual in custody. Once taken into custody the subject is under the care and control of the police officer until such time as that person has been interviewed or examined by qualified medical personnel.

- i. Upon taking a subject into custody on an involuntary basis per MHL 9.41 the officers will request a medical evaluation of the subject. If the subject requires medical attention in addition to the mental health arrest they will be transported to the hospital by ambulance.

1. If the subject is non-combative the officer may follow the ambulance in their patrol unit.

2. If the subject is combative or EMS requests, the officer will ride in the ambulance until it arrives at the receiving hospital.

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- ii. If the person does not require medical attention they should be transported to the hospital by the member. The person should be placed in the back of the marked patrol vehicle. The officer(s) on scene should determine whether the person is handcuffed.
- iii. Officers must complete an Ulster County “Police Agency Request for Mental Health Evaluation of a Person Alleged to have an Emotional Disturbance”. A copy of this form shall be turned over to the hospital and a copy will be kept with the officer’s report.


107.3 CONDITIONS PERMITTING INVOLUNTARY TRANSPORT

A. Under section 22.09 of New York State’s Mental Hygiene Law, Emergency services for persons intoxicated, impaired, or incapacitated by alcohol and/or substances, it is stated:

- 1. *A person who appears to be incapacitated by alcohol and/or substances to the degree that there is a likelihood to result in harm to the person or to others may be taken by a police officer who is a member of the State Police or of an authorized police department or force or of a sheriff’s department to a general hospital for immediate observation, care, and emergency treatment. Every reasonable effort shall be made to protect the health and safety of such person, including but not limited to the requirement that the police officer shall accompany the apparently incapacitated person in a manner which is reasonably designed to assure his or her safety.*

B. Under section 9.41 of New York State’s Mental Hygiene Law, Emergency admissions for immediate observation, care, and treatment; powers of police officers, it is stated: **


- 1. *Any police officer who is a member of the State Police or of an authorized police department or force or of a sheriff’s department may take into custody any person who appears to be mentally ill and is conducting himself or herself in a manner which is likely to result in serious harm to the person or others. Such officer may direct the removal of such person or remove him or her to any hospital specified in subdivision (a) of MHL section 9.39.*
- 2. ****Note****-Officers using this option shall also complete an Ulster County “Police Agency Request for Mental Health Evaluation of a Person Alleged to have an Emotional Disturbance”. A copy of this form shall accompany the police officer and patient to the hospital and a copy attached to the officer’s report.

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- i. The Ulster County “Police Agency Request for Mental Health Evaluation of a Person Alleged to have an Emotional Disturbance” form is only to be completed for an involuntary transport where the subject is being taken into custody.
- ii. Officers taking a person to the hospital involuntarily under MHL 9.41 will complete an Incident and Case report.

C. Section 9.58 of the New York State Mental Hygiene Law, Transport for evaluation; powers of approved mobile crisis outreach teams authorizes:

1. *A physician or qualified mental health professional who is a member of an approved mobile crisis outreach team shall have the power to remove, or pursuant to subdivision (b) of this section, to direct the removal of any person who appears to be mentally ill and is conducting themselves in a manner which is likely to result in serious harm to themselves or others, to a hospital approved by the commissioner pursuant to subdivision (a) of section 9.39 or section 31.27 of this chapter or where the team physician or qualified mental health professional deems appropriate and where the person voluntarily agrees, to a crisis stabilization center specified in section 36.01 of this chapter.*
2. *If the team physician or qualified mental health professional determines that it is necessary to effectuate transport, he or she shall direct peace officers, when acting pursuant to their special duties, or police officers, who are members of an authorized police department or force or of a sheriff's department, to take into custody and transport any persons identified in subdivision (a) of this section. Upon the request of such physician or qualified mental health professional, an ambulance service, as defined in subdivision two of section three thousand one of the public health law, is authorized to transport any such persons. Such persons may then be evaluated for admission in accordance with the provisions of section 9.27, 9.39, 9.40 or other sections of this article, provided that such admission decisions shall be made independent of the fact that the person was transported pursuant to the provisions of this section and, provided further, such transport shall not create a presumption that the person should be involuntarily admitted to a hospital.*
 - i. § 9.58 Transport for evaluation; powers of approved mobile crisis, authorizes a physician or qualified mental health professional to direct law enforcement to take a subject in custody, BUT the ultimate determination to do so will be made by the agency and based on the circumstances presented to the department at the time of the request. The on-duty

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Supervisor or OIC may decline to take a person in crisis into custody if they deem it to be more of a danger to the person and department members.

- D. Faxed orders from Ulster County Mental Health (under MHL §9.45) should be treated as directives for involuntary transport and all appropriate safeguards should be employed when contacting and transporting individuals who are the subject of those orders.

107.4 PERSONS NOT TRANSPORTED FOR EVALUATION

- A. If it is determined that the person does not meet the requirements for a MHL 9.41 transport, but it appears that they may benefit from other mental health services, officers will contact the Mobile Mental Health Team (MMHT) and refer them to the MMHT if MMHT was not at scene.
1. The person’s contact information, the nature of the call and the officer’s observations will be conveyed to the MMHT and a request will be made for them to follow-up with the person.

107.5 SEDATIVE ADMINISTRATION

- A. Members of the New Paltz Police Department lack the requisite medical and psychological education and expertise to determine whether the administration of ketamine or any other sedative is warranted when dealing with a person in crisis. Therefore, members shall never request EMS administer ketamine or any other sedative to a person in their custody.
- a. If a Person in Crisis’ care is transitioned to EMS, their patient care protocols will dictate the administration of any drugs, including sedatives. New Paltz Police members shall not interfere in patient care of a Person in Crisis.