

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT

SUBJECT:	MENTALLY ILL, DRUG DEPENDENT, DEVELOPMENTALLY DISABLED PERSONS	NUMBER:	6.1.6.1
		ISSUED:	5/24/19
SCOPE:	All sworn personnel	EFFECTIVE:	5/24/19
DISTRIBUTION:	General Orders Manual	<input type="checkbox"/> RESCINDS	
		<input type="checkbox"/> AMENDS	
REFERENCE:	WI State Statutes 51.5, 51.20, 55.06, 55.13(4), 55.135(1)	WILEAG 5 th EDITION STANDARDS: 6.1.10	

INDEX AS: Developmentally Disabled Persons
 Drug Dependent Persons
 Emergency Mental Detention
 Mental Illness
 Protective Placement

PURPOSE: The purpose of this Order is to establish procedures consistent with the Mental Health Act – Emergency Detention and the Protective Service System – Protective Placement which regulate the handling of individuals who are mentally ill, drug dependent, developmentally disabled, suffering infirmities of aging, chronic mental illness, or other similar capacity

This Order consists of the following numbered sections:

- I. DEFINITIONS
- II. AUTHORITY AND RESPONSIBILITY EMERGENCY DETENTION
- III. AUTHORITY AND RESPONSIBILITY PROTECTIVE PLACEMENT
- IV. PROCEDURE MENTAL ILL OR PROTECTIVE PLACEMENT PERSON
- V. TRANSPORTATION OF MENTALLY ILL OR PROTECTIVE PLACEMENT PERSONS
- VI. STATEMENT OF EMERGENCY DETENTION
- VII. STATEMENT OF EMERGENCY PROTECTIVE PLACEMENT
- VIII. VIOLATIONS OF STATUTES OR ORDINANCES
- IX. PROBABLE CAUSE HEARINGS

X. VOLUNTARY ADMISSIONS OF ADULTS

XI. VOLUNTARY ADMISSIONS OF MINORS

XII. REPORTING OF INCIDENTS

I. DEFINITIONS

A. **DEVELOPMENTAL DISABILITY:** A disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological condition closely related to intellectual disability, which has continued or can be expected to continue indefinitely and constitutes substantial handicap to the afflicted individual.

1. "Developmental disability" does not include senility, which is primarily caused by the process of aging or the infirmities of aging.

2. "Developmental disability", for the purpose of involuntary commitment, does not include cerebral palsy or epilepsy.

B. **DRUG DEPENDENT:** A person who uses one or more drugs to the extent that the person's health is substantially impaired by his or her social or economic functioning is substantially disrupted.

C. **MENTAL ILLNESS:** A mental disease to such extent that a person so afflicted requires care and treatment for his or her own welfare, or the welfare of others, or of the community.

1. "Mental illness", for purposes of involuntary commitment, means a substantial disorder of thought, mood, perception, orientation, or member which grossly impairs judgement, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life, but does not include alcoholism.

D. **TREATMENT:** Those psychological, educations, social chemical, medical or somatic techniques designed to bring about rehabilitation of a mentally ill, alcoholic, drug dependent, or developmentally disabled person.

E. **MENTAL HEALTH CONSULTANT:** A person employed by the Ozaukee County Department of Human Services (i.e. Crisis Intervention specialist or on-duty supervisor) who has authority to assess and detain persons for the purpose of Emergency Detention or protective custody/placement.

II. AUTHORITY AND RESPONSIBILITY EMERGENCY DETENTION

A. An officer may taken an individual into custody if the officer has cause to believe (the officer's believe shall be based on a specific recent overt act, attempt, or threat to act, or omission made by the individual and observed or reliably reported to the officer)that such individual is mentally ill, drug dependent, or developmentally disabled, and that the individual evidences:

1. A substantial probability of physical harm to himself/herself as manifested by evidence of recent threats of or attempts at suicide or serious bodily harm.
2. A substantial probability of physical harm to other persons as manifested by evidence of recent homicidal or other violent behavior on his or her part, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt or threat to do such physical harm on his or her part, or
3. A substantial probability of physical impairment or injury to himself/herself due to impaired judgement, as manifested by evidence or a pattern or recent acts or omissions. The probability of physical impairment or injury is not substantial under this subdivision if reasonable provision for the individual's protection is available in the community and there is a reasonable probability that the individual will avail himself or herself of these services or, in the case of a minor, the individual is appropriate for services or placement under statute 48.13(4) or (11) or statute 938.13(4).
4. Behavior manifested by a recent act or omission that, due to mental illness or drug dependency, he or she is unable to satisfy basic needs for nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease will imminently ensue unless the individual received prompt and adequate treatment for this mental illness or drug dependency. No substantial probability of harm under this subdivision exists if reasonable provision for the individual's treatment and protection is available in the community and there is a reasonable probability that the individual will avail himself or herself of these services or, in the case of a minor, if the individual is appropriate for services or placement under statute 48.13(4) or (11) or statute 938.13(4). The individual's status as a minor does not automatically establish a substantial probability of death, serious physical injury, serious physical debilitation, or serious disease under this subdivision.

B. The majority of emergency detentions requiring police action are found in the criteria listed in numbers one and two above. Other criteria listed in numbers three and four can generally be handled through referral or statutory provisions.

C. The officer must be able to detail and document specific information concerning recent acts or omissions on which his/her belief is based, including whether observed by or reliably reported, and if reported, by whom.

III. AUTHORITY AND RESPONSIBILITY PROTECTIVE PLACEMENT

A. If, from personal observation of an officer, it appears probable that an individual will suffer irreparable injury or death or will present a substantial risk of serious physical harm to others as a result of developmental disabilities, infirmities of aging, chronic mental illness, or other like incapacities if not immediately placed, the officer making the observation may take into custody and transport the

individual to an appropriate medical or protective placement facility, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention.

- B. The detaining officer must be able to provide specific factual information concerning his/her observations and the basis for emergency placement.

IV. PROCEDURE MENTALLY ILL OR PROTECTIVE PLACEMENT PERSONS

- A. Normally, when handling a mentally ill or protective placement person, a back-up officer shall be dispatched to assist the first officer or may be requested by the first officer.
- B. Any mentally ill or protective placement person who is taken into custody may, at the discretion of the officer, be placed in handcuffs or other available humane restraints.
- C. The officer shall advise the dispatcher that he has taken a person into custody for emergency detention or protective placement and convey the individual to the appropriate facility, if the county department of community programs in the county for which the individual was taken into custody approves the need for detention.
- D. Any mentally ill person who is taken into custody shall be searched.
- E. The patient becomes the responsibility of the Ozaukee County Department of Human Services under an involuntary commitment when the officer signs the commitment papers.
- F. Officers shall provide reasonable and/or necessary assistance as may be required or requested by hospital or treatment facility staff during admittance of the person.
- G. Applicability of juveniles.
 - 1. In the event a mentally ill or protective placement person is a juvenile, the officer is authorized to place the juvenile in custody and transport to a licensed facility designated by the Ozaukee County Department of Human Services.
 - 2. Unless arrangements are made with the treatment or medical facility, the officer shall attempt to notify the parent, guardian and/or legal custodian, as soon as possible that the juvenile has been taken into custody.

V. TRANSPORTATION OF MENTALLY ILL OR PROTECTIVE PLACEMENT PERSONS

- A. Any mentally ill or protective placement person who is taken into custody and is in need of medical treatment shall be transported to the hospital.

- B. Any mentally ill or protective person who is taken into custody and in need of emergency medical treatment; i.e. unconscious, severe lacerations, fractures, etc., shall be transported to the hospital by ambulance.
- C. Should a mentally ill or protective placement person refuse needed medical treatment, the Ozaukee County Department of Human Services shall be responsible to follow through with necessary medical treatment. Incidents where medical treatment is refused shall be handled on an individual basis dependent upon circumstances involved. A supervisor shall be notified of incidents of medical treatment refusal and shall assist in making necessary arrangements with the Ozaukee County Department of Human Services Consultant for the care of the patient.
- D. Once a patient, adult or juvenile, is at the designated Mental Health facility and a determination is made that the patient must be transported to Winnebago or other institution, the responsibility of transport is that of Ozaukee County Department of Human Services.

VI. STATEMENT OF EMERGENCY DETENTION

- A. After taking a mentally ill person into custody, the officer shall complete a "Statement of Emergency Detention".
- B. The statement must indicate at which facility the individual is detained. In addition, it must indicate which individual or individuals observed the actions of the person being detained. In the event the police officer detaining the individual is the only witness, then the officer may be subpoenaed into court for the probable cause hearing. This hearing shall be held within 72 hours of the detention excluding weekends and legal holidays.
- C. The original Statement of Emergency Detention along with a completed officer's report will be uploaded on the Wisconsin Circuit Court e-filing site for distribution.

VII. STATEMENT OF EMERGENCY PROTECTIVE PLACEMENT

- A. After taking protective placement person into custody, the officer shall complete a "Statement of Emergency Protective Placement" if the county department of community programs in the county in which the individual was taken into custody approves the need for detention.
- B. The procedures outlined in the Statement of Emergency Detention section of this Order shall serve as a guideline for the completion of protective placement.

VIII. VIOLATIONS OF STATUTES OR ORDINANCES

- A. Arrest is always the appropriate disposition when a felony has been committed.
- B. If the offense is a misdemeanor or ordinance violation, and the officer concludes

the signs of abnormal behavior are probable related to the violation, the officer shall contact the shift supervisor to determine the appropriate disposition.

IX. PROBABLE CAUSE HEARINGS

- A. Generally, probable cause hearings for individuals detained under the provisions of statute 51.15 or statute 55.06 shall be held at the Ozaukee County Circuit Court Justice Center.
- B. The date and time of these hearings shall be determined by the Court or its designee.
- C. If it is necessary for a police officer to appear and testify at the hearing, the police department generally shall be verbally informed and a subpoena shall be served on the officer.
- D. If a subpoena is received for an officer who cannot be served within a reasonable period of time prior to the scheduled court hearing, then the court must be verbally informed so further subpoenas may be served or arrangements made for others to testify at the hearing.
- E. Exceptions to the above shall be handled on an individual basis.

X. VOLUNTARY ADMISSIONS OF ADULTS

- A. An adult desiring voluntary admission to the Columbia St. Mary's Mental Health Unit may be admitted upon application.
- B. The criteria for voluntary admission is based on an evaluation that the applicant is mentally ill or developmentally disabled, or is an alcoholic or drug dependent, and that the person has the potential to benefit from inpatient care, treatment, or therapy.
- C. An applicant is not required to meet standards of dangerousness.
- D. The applicant (patient) becomes the responsibility of Columbia St. Mary's Mental Health Unit under a voluntary commitment when the individual committing himself/herself signs the commitment paper.
- E. A voluntary patient has the right to leave the Mental Health Unit upon submission of a written request except when the Mental Health Unit files a Statement of Emergency Detention under statute 51.15 with the court.

XI. VOLUNTARY ADMISSIONS OF MINORS

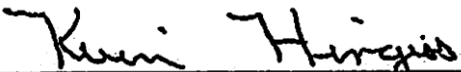
- A. A minor desiring voluntary admission or parent/legal guardian desiring to voluntarily admit a minor to a treatment facility shall be referred to the Columbia St. Mary's Mental Health Unit.

XII. REPORTING OF INCIDENTS

- A. Whenever an officer has contact with and provides assistance to a mentally ill or protective placement person, an incident number shall be obtained and an Incident Report completed.
1. In incidents where the victim is placed under "Emergency Detention" 51.15 the incident report shall contain all information related to the reason for the detention. Any use of force required during the incident shall be documented in the incident report.
 2. Other offenses discovered or reported during the investigation of the emergency detention shall be reported on a separate incident report with a separate incident number. This incident report shall be entitled by the incident type, such as theft or assault, and contain details relative to the incident in the body of the report. No mention of the emergency detention should appear in this incident report. By separating the incidents, less confusion should occur when open records requests are made.
- B. Officers shall complete any other form or written order as may be required in incidents involving "Emergency Detention" or "Protective Placements", including any forms required by the treatment facility.

APPROVED:

DATE:



4/1/20

Chief of Police

Revised 12/3/19
Revised 3/24/20
Revised 3/26/20
Revised 4/1/20

Attachments:

- Ozaukee County Law Enforcement Executives Association Inter-Jurisdictional Procedural Agreement Chapter 51 Investigations and Commitments
- Memorandum of Understanding Ozaukee County Behavioral Health Information Sharing Agreement

Ozaukee County Law Enforcement Executives Association

INTER-JURISDICTIONAL PROCEDURAL AGREEMENT CHAPTER 51 INVESTIGATIONS AND COMMITMENTS

PRESIDENT
Sheriff James Johnson
Ozaukee County Sheriff Dept.

TREASURER
Kevin Hingliss
Port Washington PD

PURPOSE

The purpose of this agreement is to create a uniform "best practice" protocol for managing and investigating incidents that occur within the jurisdiction of Ozaukee County, Wisconsin when a person is in need of crisis intervention which may lead to that person being committed to an approved mental health facility under Wisconsin Chapter 51 statutes. The premise of the agreement is to define the appropriate law enforcement agency that is responsible for:

1. Investigating the Chapter 51 incident;
2. Taking "ownership" of the Commitment associated with the Incident;
3. Providing, if any, subsequent follow-up.

This agreement is intended to act as a "best practice guideline" to follow whenever possible in determining which law enforcement agency should assume the investigative and commitment responsibilities with regards to *Chapter 51 Commitments*. All signing agency administrators recognize that there may be unforeseen incidents or circumstances that arise on a case-by-case basis and by signing this agreement all parties agree to work cooperatively with each other so as to provide Chapter 51 Commitment services to individuals in crisis.

DEFINITIONS

Overt Act: Includes an act(s) that could or would likely cause harm or injury to the person in crisis. An *overt act* does not include thoughts of suicide, verbal threats of an overt act(s) towards self, others, or any other situation where the location of the event is unknown or irrelevant.

Recent Act: Is an overt act for which an emergency detention is plausible or necessary.

VOLUNTARY ADMISSION OF AN ADULT PROCEDURE (Wis. Stat. 51.10)

1. If an adult in crisis is desiring voluntary admission to a medical or treatment facility and is assisted by a law enforcement agency, a representative from that assisting law enforcement agency shall also be responsible for handling any involuntary commitment's that may result from the original voluntary admission.
 - a. A request for Mutual Aid (Wis. Stats. 66.0313) to the proper law enforcement agency shall be made if the assisting officer is within the latter's jurisdiction.

INVOLUNTARY COMMITMENT FOR TREATMENT PROCEDURE (Wis. Stat. 51.20)

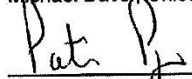
1. If a person presents on their own at a medical or treatment facility, the agency responsible for law enforcement services for that facility shall be dispatched and respond so as to make the initial contact with the person in crisis to determine if a Chapter 51 commitment is appropriate.
 - a. Upon making contact with the person in crisis, if the initial responding deputy or officer determines that a recent overt act has occurred in another jurisdiction, that deputy or officer shall contact the agency with law enforcement jurisdiction where the recent overt act occurred and request Mutual Aid (Wis. Stats. 66.0313) that a representative from that law enforcement agency respond to the facility and take over the commitment process.
 - b. If upon investigation the initial responding deputy or officer to the facility determines that there was not a recent overt act committed by the person, that agency will then be responsible for handling the commitment accordingly.

Agreed to and signed by all parties this 9 day of July, 2019.

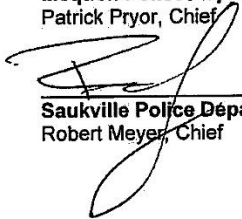


Ozaukee County Sheriff's Office
James Johnson, Sheriff

Fredonia Police Department
Michael Davel, Chief



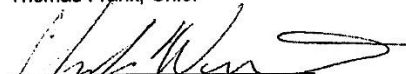
Mequon Police Department
Patrick Pryor, Chief



Saukville Police Department
Robert Meyer, Chief



Cedarburg Police Department
Thomas Frank, Chief



Grafton Police Department
Charles Wenten, Chief



Port Washington Police Department
Kevin Hingiss, Chief



Thiensville Police Department
Curtis Kleppin, Chief