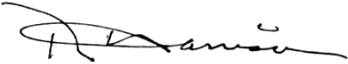


TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Response to Mentally or Emotionally Disturbed People		
NUMBER	1105.10	EFFECTIVE DATE	March 19, 2012
Scheduled Review Date	May 01, 2016	ISSUE DATE	March 19, 2012
Date Reviewed	April 08, 2014	REVISION DATE	
APPROVED BY		(Reserved for Expansion)	

I. Purpose and Scope

- A. From time to time, officers of the Texarkana Police Department will respond to a call for service or locate a person within our jurisdiction who is acting in a manner that causes the officer to believe the person is either mentally or emotionally disturbed. The purpose of this policy is to establish procedures and guidelines for handling mentally or emotionally disturbed people who meet the involuntary admission criteria.

II. Policy

- A. It shall be the policy of the Texarkana Police Department to institute and manage a series of procedures and guidelines that govern the manner in which officers of the Agency respond to mentally or emotionally disturbed people who meet the involuntary admission criteria. All members of the Department shall recognize and adhere to the guidelines established within this policy.

III. Definitions

- A. **Clear and Present Danger**—As used within this General Order, a person is classified as a clear and present danger to himself, herself or others if the following conditions or circumstances are presented:
1. The person has inflicted serious bodily injury on himself or herself or has attempted suicide or serious self-injury, and there is a reasonable probability that the conduct will be repeated without clear and immediate intervention by a family member, interested individual or other responsible person;
 2. The person has threatened to inflict serious bodily injury on himself or herself, and there is a reasonable probability that the conduct will occur without clear and immediate intervention by a family member, interested individual or other responsible person;
 3. The person's recent behavior or behavior history demonstrates that he or she so lacks the capacity to care for his or her own welfare that there is a reasonable probability of death, serious bodily injury, or serious physical or mental debilitation without clear and immediate intervention by a family member, interested individual or other responsible person; or
 4. The person has established themselves a clear and present danger to others by demonstrating the person has inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another,

Page 1 of 4 Number: 1105.10	Effective Date: March 19, 2012
Subject: Response to Mentally or Emotionally Disturbed People	Revision Date:

and there is a reasonable probability that the conduct will occur without clear and immediate intervention by a family member, interested individual or other responsible person.

IV. Procedures

A. Arkansas Law empowers a law enforcement officer to intervene on behalf of the mentally or emotionally disturbed person who meets the statutory requirements surrounding the involuntary admission criteria and shown they are a clear and present danger to themselves or some other person.

B. Involuntary Admission Criteria **A.C.A. §20-47-207**

1. As indicated within the statutory language, a person shall be eligible for involuntary admission if he or she is in such a mental condition as a result of mental illness, disease, or disorder that he or she poses a clear and present danger to himself, herself or others.

C. Immediate Confinement—Initial Evaluation and Treatment **A.C.A. §20-47-210**

1. Whenever it appears that a person is of danger to himself or herself or others, as defined in A.C.A. § 20-47-207, and immediate confinement appears necessary to avoid harm to the person or others, a family member or some other interested individual may take the person to a hospital, receiving facility or program. If the person is a Veteran, the Administrative Officer of the day can be contacted at Overton-Brooks Hospital in Shreveport at 1-800-863-7441 for additional assistance.

2. Consistent with the provisions established within this statute, it shall remain the preferred policy of the Texarkana Police Department to defer any decision and all responsibility associated with the involuntary admission of an individual for psychiatric treatment/evaluation to a member of the person’s family or some other interested individual when such a person is available to intervene on behalf of the individual who presents the clear and present danger.

3. When available, the member of the person’s family or some other interested individual should be referred to the Southwest Arkansas Counseling and Mental Health Center or a hospital of their choosing. The provisions promulgated by the Department of Human Services, Division of Behavioral Health have established the Southwest Arkansas Counseling and Mental Health Center as the central point of entry into the State of Arkansas’ behavioral health system.

a. This facility is obligated to respond to the needs of the Texarkana Police Department at all times when an officer of the Department has encountered an individual who meets the involuntary admission criteria defined within this policy. In accordance with A.C.A. §20-47-210, the Texarkana Police Department is statutorily responsible to ensure the person is safely transported to a hospital, receiving facility or program if the family member or interested individual is without other means of safe transportation and assistance from the family is requested.

**Southwest Arkansas Counseling and Mental Health Center
2904 Arkansas Boulevard
Texarkana, Ar. 71854
(870) 773-4655**

**Hours of Operation: 0900 – 1900 Monday thru Friday
(800) 652-9166 *After Hours Number***

b. In those instances when an officer transports a person meeting the involuntary admission criteria at the request of the family member or interested individual, the officer shall ensure

Page 2 of 4 Number: 1105.10	Effective Date: March 19, 2012
Subject: Response to Mentally or Emotionally Disturbed People	Revision Date:

he/she completes a miscellaneous incident report documenting their actions. For additional information surrounding incident reporting procedures, refer to [General Order 1108.03--- Incident Reporting Procedures](#).

4. During those instances in which the member of the person's family or some other interested individual is referred to the Southwest Arkansas Counseling and Mental Health Center for evaluation and treatment, it will remain the responsibility of the family member or other interested person to complete the *Petition to Involuntarily Admit Person with Mental Illness*, as that person will have firsthand knowledge of the specific elements and circumstances of the behavior that purports the person as a clear and present danger. This petition can be completed with the assistance of the Prosecuting Attorney's Office.

**Prosecuting Attorney's Office
400 Laurel Street, Suite 6
Texarkana, Arkansas 71854
(870) 774-1002**

- D. In accordance with A.C.A §12-11-110, a law enforcement officer shall arrest a drunken, insane, or disorderly person whom he or she finds at large and not in the care of a competent person. This language can also be found in A.C.A. §20-47-101 which states it shall be the duty of all peace officers to arrest any insane or drunken persons whom they may find at large and not in the care of some discreet person.
 1. In those circumstances that find an officer affecting an arrest for a violation of a criminal or traffic related offense of a person who meets the involuntary admission criteria, the officer will complete the *Petition to Involuntarily Admit Person with Mental Illness* in addition to the paperwork associated with the arrest. When completing the Petition, officers must ensure the narrative of the Petition includes specific elements and circumstances of the behavior that purports the person as a clear and present danger.
 - a. Once the individual has been booked into the jail, the arresting officer will ensure he/she contacts the Southwest Arkansas Counseling and Mental Health Center to advise them of the circumstances surrounding the individual and request an evaluation. Representatives of this Center have four (4) hours to respond to the needs of the Texarkana Police Department.
 2. During those instances in which officers of the Texarkana Police Department encounter a mentally ill or emotionally disturbed person **who has not violated any offense for which an arrest can be made**, and the person meets the **Involuntary Admission Criteria** as outlined within A.C.A. §20-47-207, the officer should first attempt to locate a family member or some other interested person to respond and assist with the care of the person. Should the circumstances of the situation dictate the need for medical treatment, officers will summon medical assistance to the scene.
 - a. If officers are unable to locate a family member or some other interested person, or if the totality of circumstances are such that immediate confinement is necessary, officers will take the person into custody pursuant to A.C.A §12-11-110. When such a person is taken into police custody pursuant to the involuntary admission criteria, it shall be the responsibility of the arresting officer to complete the *Petition to Involuntarily Admit Person with Mental Illness* in addition to an incident report and the normal arrest paperwork. Because the involuntary admission process is administrative, there is no need for the officer to complete a Probable Cause Affidavit. The completed Petition will take the place of the Probable Cause Affidavit. **The proper ADSI code in both the offense and arrest modules is DIDP (NIBRS Code 90E).**

Page 3 of 4 Number: 1105.10	Effective Date: March 19, 2012
Subject: Response to Mentally or Emotionally Disturbed People	Revision Date:

- b. Persons taken into custody pursuant to *A.C.A. §12-11-110* fall into an administrative category; therefore, the officer affecting the arrest shall stamp the words ***Administrative Hold 12-11-110*** in red ink onto the arrest report provided to the jail staff. This stamp can be located in the jail booking desk.
 - c. Because this is an administrative custody procedure, the person meeting the involuntary admission criteria must not be fingerprinted, photographed or placed within any pod or holding cell that contains another individual in custody for a criminal or traffic related offense. Officers administratively processing such a person should notify the correctional officer on duty of this requirement.
3. The Texarkana Police Department has statutory authority to administratively hold the individual for up to 72 hours—excluding weekends and holidays—until arrangements can be made to have the individual screened, evaluated and transported to the appropriate treatment facility. The arresting officer shall ensure appropriate notification of the Southwest Arkansas Counseling and Mental Health Center is complete. As mentioned above, representatives of this facility have four (4) hours to respond to the needs of the Texarkana Police Department.
- a. If the person is intoxicated or impaired as a result of drugs and/or alcohol, the screener must wait until the person reaches a state of sobriety before beginning the screening process.
 - b. After the screening is complete, and should the screener determine the individual is in need of further treatment, the screener will immediately initiate the process of securing the individual’s placement within an appropriate facility. Once placement within the appropriate facility is secured, officers of the Department are authorized to complete a Prisoner Release Form and release the person from administrative custody.
 - c. Should the person need immediate transport to a mental facility within the State, the shift supervisor should contact a Services Division supervisor for logistic transport assistance. Under normal circumstances, all mental transports should wait until the following duty day for transport coordination.
4. In accordance with *A.C.A. §20-47-227*, officers of the Texarkana Police Department shall not be held civilly liable for his/her actions pursuant to this subchapter in the absence of proof of bad faith, malice or gross negligence.

Page 4 of 4 Number: 1105.10	Effective Date: March 19, 2012
Subject: Response to Mentally or Emotionally Disturbed People	Revision Date: