

CLARK COUNTY LAW ENFORCEMENT IMMEDIATE DETENTION FORM
I.C. § 12-26-4-1

CONFIDENTIAL DOCUMENT

Subject Name _____		Age _____	DOB _____
Subject Address _____			
Relative/Contact Person(s) _____		Contact Information _____	
Location of Incident _____		Subject Transported to _____	
Complaint made by: <input type="checkbox"/> Self <input type="checkbox"/> Family member <input type="checkbox"/> Concerned citizen <input type="checkbox"/> Friend <input type="checkbox"/> Police observation <input type="checkbox"/> Other			
Officer believes individual:			
suffers from a mental illness <input type="checkbox"/> Y <input type="checkbox"/> N,		is dangerous to self or others <input type="checkbox"/> Y <input type="checkbox"/> N	
suffers from mental retardation <input type="checkbox"/> Y <input type="checkbox"/> N		is in need of immediate hospitalization <input type="checkbox"/> Y <input type="checkbox"/> N	
suffers from substance abuse/addiction <input type="checkbox"/> Y <input type="checkbox"/> N			
Describe in detail acts or threatened acts leading officer to believe subject is dangerous to self or others			
Behaviors evident at time of incident (check all that apply)		Medicine Compliance	
<input type="checkbox"/> Disorientation/confusion <input type="checkbox"/> Delusions <input type="checkbox"/> Hallucinations <input type="checkbox"/> Disorganized speech <input type="checkbox"/> Manic		<input type="checkbox"/> Unusually scared/frightened <input type="checkbox"/> Belligerent <input type="checkbox"/> Uncooperative <input type="checkbox"/> Depressed <input type="checkbox"/> Other	
		Is subject currently: Prescribed medication? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unknown Taking as prescribed? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unknown List medications if known:	

Nature of Incident (check all that apply)	Threats/Violence/Weapons	Injuries
<input type="checkbox"/> Disorderly behavior <input type="checkbox"/> Drug-related offense <input type="checkbox"/> Neglect of self care <input type="checkbox"/> Nuisance (loitering, panhandling, trespassing, etc.) <input type="checkbox"/> Public Intoxication <input type="checkbox"/> Suicide threat or attempt <input type="checkbox"/> Subject complaint <input type="checkbox"/> Theft or other property crime <input type="checkbox"/> Threats of violence to others <input type="checkbox"/> Welfare check <input type="checkbox"/> Criminal charges (list) <input type="checkbox"/> Other	Did the subject brandish a weapon during police interview? <input type="checkbox"/> Y <input type="checkbox"/> N If yes, type of weapon _____ Did the subject threaten violence towards another person? <input type="checkbox"/> Y <input type="checkbox"/> N If yes, to whom? (partner, friend, stranger, etc.) _____ If subject made a particularized and specific threat against another person provide that person's name and contact information: _____ _____ _____	Officer injured? <input type="checkbox"/> Y <input type="checkbox"/> N If yes, nature of injury _____ Subject injured? <input type="checkbox"/> Y <input type="checkbox"/> N If yes, when did injury occur? <input type="checkbox"/> before officer arrived <input type="checkbox"/> during police intervention Was use of force necessary to detain subject? <input type="checkbox"/> Y <input type="checkbox"/> N If yes, describe _____
Contact with Law Enforcement		
Is there a warrant for this individual? <input type="checkbox"/> Y <input type="checkbox"/> N Prior police contact? <input type="checkbox"/> Y <input type="checkbox"/> N Repeat call (within 24 hrs) <input type="checkbox"/> Y <input type="checkbox"/> N I plan to file charges on this individual <input type="checkbox"/> Y <input type="checkbox"/> N Contact _____ before releasing <div style="text-align: center; font-size: small;">Department and phone #</div>		

Date:	Time of call:	Time of arrival at hospital:	Time departed hospital:
Case #:	CAD#:	Agency Name:	
Officer's name:		Officer's signature:	
Supervisor's name (if required):		Supervisor's signature (if required):	

Charlestown Police Department

CITY OF CHARLESTOWN

701 Main Street, Charlestown, Indiana 47111 (812) 256-6345

TO: All Police Officers

DATE: October 25, 2011

SUBJECT: Mentally Ill Persons, Immediate Detention

GENERAL ORDER- 11.1025-A

I. Purpose: The purpose of this General Order is to establish procedures for officers to use when encountering persons who need immediate detention when an officer has reasonable grounds to believe an individual(s) have a mental illness, are dangerous, and are in immediate need of hospitalization and treatment.

II. Definition(s):

IC 12-7-2-130 Mental Illness

Sec. 130. "Mental Illness" means the following: (1) For the purposes of IC 12-23-5, IC 12-24, and IC 12-26, a psychiatric disorder that: (A) substantially disturbs an individual's thinking, feeling, or behavior;

and (B) impairs the individual's ability to function. The term includes mental retardation, alcoholism, and addiction to narcotics or dangerous drugs.

(2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that: (A) substantially disturbs an individual's thinking, feeling, or behavior; and (B) impairs the individual's ability to function. The term does not include developmental disability.

IC 12-7-2-53 Dangerous

Sec. 53. "Dangerous", for purposes of IC 12-26, means a condition in which an individual, as a result of mental illness, presents a substantial risk that the individual will harm the individual or others.

IC 12-7-2-96 Gravely Disabled

Sec. 96. "Gravely Disabled", for the purposes of IC 12-26, means a condition in which an individual, as a result of mental illness, is in danger of coming to harm because the individual: (1) is unable to provide for that individual's food, clothing, shelter, or other essential human needs; **or** (2) has a substantial impairment or an obvious deterioration of that individual's judgment, reasoning, or behavior that results in the individual's inability to function independently.

“Secured Room” is a secluded holding room in the Clark Memorial Hospital emergency room area where a person being detained on an immediate detention is delivered and custody of said person is turned over to Hospital Security.

III. Legal Reference(s):

IC 12-26-1-1

- Statutes under which mentally ill and either dangerous or gravely disabled individuals may be involuntarily detained or committed:

Sec. 1. An individual who is mentally ill and either dangerous or gravely disabled may be involuntarily detained or committed under any of the following statutes:

- (1) IC 12-26-4 (immediate detention)
- (2) IC 12-26-5 (emergency detention)
- (3) IC 12-26-6 (temporary commitment)
- (4) IC 12-26-7 (regular commitment)

IC 12-26-4-1

Law Enforcement Officers; authority to apprehend and transport mentally ill individuals; charging offenses.

Sec. 1. A law enforcement officer, having reasonable grounds to believe that an individual is mentally ill, dangerous, **and** in immediate need of hospitalization and treatment, may do the following: (1) Apprehend and transport the individual to the Clark Memorial Hospital ER, **and or** have an ambulance transport the individual to the Clark Memorial Hospital ER while the officer assists by means of either following the ambulance or riding inside the ambulance during transport.

(2) Charge the individual with a criminal offence if / when applicable.

IC 12-26-4-2

Law Enforcement Officers; written statement of reasonable grounds

Sec. 2. A law enforcement officer who transports an individual to a facility under section 1 of this chapter *shall* submit to the facility a Clark County Law Enforcement Immediate Detention Form Confidential Document, (additional copies can be located in the CIT Forms folder in the Squad room).

IV. Policy:

It is the policy of the Charlestown City Police Department to attempt an *immediate detention* for those person(s) encountered by CPD officers who are mentally ill, dangerous to themselves or others, **and** in immediate need of hospitalization and treatment.

V. Procedure(s):

To take a person into custody for the purpose of an *immediate detention* the officer must:

- 1.) Determine if the person meets the criteria of mental illness, **and if** the person is mentally ill then the officer must determine if the person is dangerous or gravely disabled.
- 2.) If the person meets the preceding criteria the officer *may* use reasonable force, if necessary, to take the person into custody for purposes of an *immediate detention*.

If an officer takes a person into custody for the purpose of an *immediate detention*, the officer **or** communications officer **shall** contact Clark Memorial Hospital ER **PRIOR** to the individual being transported and notify ER personnel that our agency is transporting a “CIT patient” to their facility. The officer will then transport the mentally ill person to the Clark Memorial Hospital Emergency Department, unless emergency medical treatment and continuous medical care is warranted that would require transport by ambulance.

If it is deemed necessary for the person to be transported by ambulance, the officer *shall* notify EMS staff that the person is a CIT patient and they (EMS personnel), need to contact Clark Memorial Hospital ER prior to the individual being transported. The officer *shall* then either follow the ambulance to the hospital (in the officer’s department issued vehicle), or (at the request of the medic), will ride in the ambulance with the detained patient.

Upon arrival at the Clark Memorial Hospital ER, the officer will bypass the ER Triage and escort the detainee directly to a secured room of the ER. There, custody of the person being detained is to be turned over to hospital security. Before leaving the ER, the officer will complete and fill out a **Clark County Law Enforcement Immediate Detention Confidential Document or C.I.T. Form.** The officer must then provide either an original or copy of this completed form to the hospital staff. ***In addition***, the officer will submit either an original or copy of this form along with a completed dispatch ticket to be filed at the department. ***If*** the detained person has criminal charges along with his or her *immediate detention*, the officer **will** submit an original or copy to both the prosecutor’s office completed paperwork; and an original or copy to the departments secretary to be filed.

- 1.) The officer **will** describe on the form *specific behaviors* he / she observed the person exhibiting which formed the basis of the officer’s conclusion that reasonable grounds existed, as described above. Any additional information should be included on the form that might be useful to the hospital staff member(s) in conducting a mental health evaluation of the person being detained.

- 2.) The officer will brief the ER Coordinator or other staff member(s) who arrive at the “secured room” on the circumstances leading up to the officer taking custody of the detained person and the basis for the officer’s conclusion that reasonable grounds exist for the immediate detention.

If the evaluation of the detained person cannot be completed within 30 minutes, the officer will leave the detained person in the custody of hospital security and the officer may leave at that point. In this situation, the officer may be asked to provide a contact name / number in case there are any follow up questions that need to be asked.

When criminal charges are pending, the officer shall notify hospital security and ER staff of the pending charges and request notification prior to the person’s release. In the event that the detained person is NOT admitted for a mental detention and is intoxicated and / or causes a disturbance that interrupts the operation of the ER, CPD officers may be called back to the hospital to take any necessary law enforcement action, including arresting and jailing the person based on the individual circumstances.

The officer *shall* complete a dispatch ticket prior to the end of the officer’s shift complete with an *attached* C.I.T. form.

Authority:
Chief Steve Dean

Immediate/Emergency Detentions by Clark County Law Enforcement Agencies

Law enforcement agencies shall investigate/report and properly document (within the guidelines of this procedure) all complaints requiring the potential immediate/emergency detention of an individual. Officers are reminded the detention, transportation and documentation of immediate/emergency detentions is a law enforcement function. Emergency Medical Services (EMS) may be used to augment the law enforcement function of these occurrences but shall not be utilized to supplant the law enforcement role. Transportation of individuals in need of emergency detention shall be performed by law enforcement unless the officer determines a medical need is present to justify transportation by EMS. In such cases, the investigating officer shall also proceed to the facility to complete the statutorily required reporting.

STATE CODES

IC 12-7-2-82 (states in part) – Facility:

"Facility" means the following:

For purposes of IC 12-26, a hospital, a health and hospital corporation established under IC 16-22-8, a psychiatric hospital, a community mental health center, another institution, a program, a managed care provider, or a child caring institution:

- (1) where an individual with a mental illness can receive rehabilitative treatment, or habilitation and care, in the least restrictive environment suitable for the necessary care, treatment, and protection of the individual and others; and
- (2) that has adequate space and treatment staff appropriate to the needs of the individual as determined by the superintendent of the facility.

The term includes all services, programs, and centers of the facility, wherever located.

IC 12-7-2-96 – Gravely Disabled

"Gravely disabled", for purposes of IC 12-26, means a condition in which an individual, as a result of mental illness, is in danger of coming to harm because the individual:

- (1) Is unable to provide for that individual's food, clothing, shelter, or other essential human needs; or
- (2) Has a substantial impairment or an obvious deterioration of that individual's judgment, reasoning, or behavior that results in the individual's inability to function independently.

IC 12-7-2-130 (states in part) – Mental Illness

"Mental illness" means the following:

- (1) For purposes of IC 12-23-5, IC 12-24, and IC 12-26, a psychiatric disorder that:
 - (A) Substantially disturbs an individual's thinking, feeling, or behavior; and
 - (B) Impairs the individual's ability to function.

The term includes intellectual disability, alcoholism, and addiction to narcotics or dangerous drugs.

IC 12-26-4-1 – Law enforcement officers; authority to apprehend, transport, and charge an individual with a mental illness:

A law enforcement officer, having reasonable grounds to believe that an individual has a mental illness, is either dangerous or gravely disabled, and is in immediate need of hospitalization and treatment, may do the following:

- (1) Apprehend and transport the individual to the nearest appropriate facility. The individual may not be transported to a state institution.
- (2) Charge the individual with an offense if applicable.

IC 12-26-4-2 – Law enforcement officers; written statement of reasonable grounds:

A law enforcement officer who transports an individual to a facility under section 1 of this chapter shall submit to the facility a written statement containing the basis for the officer's conclusion that reasonable grounds exist under this chapter.

IC 12-26-4-3 – Law enforcement officers; written statement of reasonable grounds; filing:

The statement required by section 2 of this chapter shall be filed with both of the following:

- (1) The individual's records at the facility.
- (2) The appropriate court if action relating to any charges filed by the officer against the individual is pursued.

IC 12-26-4-5 – Length of detention:

Except as provided in section 6 of this chapter, an individual may not be detained under this chapter for more than twenty-four (24) hours from the time of admission to the facility.

IC 12-26-4-6 – Detaining individual for more than 24 hours; emergency detention application:

If the superintendent or the attending physician believes the individual should be detained for more than twenty-four (24) hours from time of admission to the facility, the superintendent or the physician must have an application filed for emergency detention under IC 12-26-5 immediately upon the earlier of the following:

- (1) A judge becomes available.
- (2) Within seventy-two (72) hours of admission to the facility.

IC 12-26-5-1 – 72 Hour Detention; Written Application; Contents

(a) An individual may be detained in a facility for not more than seventy-two (72) hours under this chapter, excluding Saturdays, Sundays, and legal holidays, if a written application for detention is filed with the facility. The individual may not be detained in a state institution unless the detention is instituted by the state institution.

(b) An application under subsection (a) must contain both of the following:

- (1) A statement of the applicant's belief that the individual is:
 - (A) Mentally ill and either dangerous or gravely disabled; and
 - (B) In need of immediate restraint.
- (2) A statement by at least one (1) physician that, based on:
 - (A) An examination; or
 - (B) Information given the physician; the individual may be mentally ill and either dangerous or gravely disabled.

PROCEDURE

A. Upon report an individual is in need of services requiring an immediate/emergency detention:

1. A police employee shall be assigned to conduct the investigation.
2. The investigating officer shall assess the circumstances to establish if:
 - a. The individual is in need of medical care; or
 - b. The individual is in need of medical care and services requiring an immediate detention; or
 - c. The individual is in need of services requiring an immediate detention; or
 - d. The individual has committed crime(s) requiring arrest.

3. If the investigating officer determines the individual is in need of services that require immediate/emergency detention, but has no physical injuries or trauma, the officer shall transport the individual to the facility as to not unnecessarily encumber EMS resources.

4. If the investigating officer determines the individual is in need of medical care because of physical injuries or trauma but does not require immediate detention, the officer shall contact EMS to transport the individual.

5. If the investigating officer determines the individual is in need of medical care due to physical injuries or trauma and services requiring an immediate/emergency detention, the officer shall contact EMS to transport the individual. As soon as possible, the investigating officer shall also proceed to the facility to complete the statutorily required reporting.

6. If the investigating officer determines the individual has committed crime(s) requiring arrest, the officer shall initiate the proper course of action for arrest.

a. If circumstances warrant, the investigating officer shall ensure the individual receives clearance from a medical professional to indicate the individual is medically fit for confinement prior to transport to the jail.

B. Upon arrival at the facility to which an individual has been transported for an immediate/emergency detention the investigating officer shall ensure:

1. The detained individual is properly controlled until custody is transferred to the facility; and
2. The facility medical staff is fully apprised of the circumstances leading to the transportation of the individual and the officer is requesting a twenty-four (24) hour immediate/emergency detention.



Judge Lisa Glickfield, Clark County Circuit Court 3



Jeremy Mull, Clark County Prosecutor



Doctor Eric Yazel, Clark County Health Officer