

Civil Commitments - Mental Health - Danger to Self or Others

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when members (law enforcement officers) may place an individual into protective custody for a mental health civil commitment (ARS 36-525).

410.2 POLICY

- A. It is the policy of the Sahuarita Police Department to protect the public and individuals through legal and appropriate use of the mental health civil commitment process. Investigations involving mental health civil commitment incidents shall be documented in an Alpha police report.
- B. A member (law enforcement officer) shall take a person into protective custody, per their peace officer authority, based upon probable cause to believe that a person is a danger to him/herself or others, and that during the time necessary to complete the pre-petition screening procedures, the person is likely, without immediate hospitalization or aid, to suffer serious physical harm, serious illness, or to inflict serious physical harm on another person (ARS 36-525). Members shall not let a person's voluntary commitment, or willingness to be voluntarily committed, prevent them from the mandatory obligation, outlined in this policy, to take the person into protective custody, in accordance with the law, when there is probable cause to believe the person is a danger to him/herself or others. The investigating member shall cause a person taken into protective custody to be transported to a screening or evaluation agency (ARS 36-525).
- C. A member shall also take a person into protective custody and transport the person to the evaluation agency upon the request of authorized medical admission personnel who advise that sufficient grounds exist for protective custody (ARS 36-524; ARS 36-525).
- D. If the person is taken into protective custody at or near his/her residence, the member shall take reasonable precautions to safeguard the premises, unless the premises are in the possession or control of a responsible relative or guardian (ARS 36-525).

410.3 MENTAL HEALTH PETITIONS

- A. A member is also authorized to, and shall, take persons into protective custody and transport them to an appropriate agency or facility as directed under the following conditions:
 - 1. Upon receipt of a signed court order (ARS 36-540).
 - 2. Upon the written request of the medical director when the patient's outpatient treatment has been rescinded (ARS 36-540; ARS 36-540.01).

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3. Upon the oral or written request of the medical director of a mental health treatment facility, when the patient is absent without proper authorization from the facility (ARS 36-544).
- B. The type of commitments described in section A can be documented via a "synopsis sized narrative," when there are no use of force, associated crimes or extenuating circumstances that would reasonably need to be documented via a traditional Alpha report.

410.4 CONSIDERATIONS AND INVESTIGATIVE RESPONSIBILITIES

- A. Any member handling a call involving an individual who may qualify for a mental health civil commitment shall consider, as time and circumstances reasonably permit:
 1. Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
 2. Conflict resolution and de-escalation techniques.
 3. Community or other resources available to assist in dealing with mental health issues.
- B. While these steps are encouraged, they may not be appropriate for given circumstances, and nothing in this section is intended to dissuade members from taking reasonable action to assure the safety of any members or others persons. Whenever reasonably possible, members shall ask respectfully and clearly of a person who is or has reportedly or apparently attempted or is contemplating suicide or harming themselves, or has recently (within last 24 hours) attempted or contemplated committing suicide or harming themselves the following:
 1. Are you thinking about committing suicide or harming yourself? (When possible, ask appropriate questions as to why and how).
 2. Have you recently been thinking about committing suicide or harming yourself? (When possible, ask appropriate questions as to why and how).
 - (a) Members are reminded that some persons who are contemplating suicide, may minimize or disguise these efforts by advising they were only trying or thinking about "harming" themselves. Additionally, members may be confronted with information that reveals the person was contemplating suicide or harming themselves, but now are no longer contemplating it. Great care is required in evaluating these types of statements, as some persons who contemplate these actions can quickly change their minds. One of our main goals is to get them the professional help that is needed.
- C. Any answers or information associated to these inquires shall be promptly and fully shared with any medical, psychological, or law enforcement staff the person may be released or turned over to. Additionally, the answers and information associated with these inquiries shall be fully documented in the narrative of the police report.

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- D. Officers are reminded that those that are contemplating suicide or harming themselves can have dramatic and sometimes immediate mood changes, followed by actions, that can result in assaults on themselves or others.
- E. The safety of those involved, to include members, is paramount and best officer safety practices must be followed, which includes proper detention, control, searching, and restraint or transportation techniques. Those persons taken into voluntary or non-voluntary protective custody shall be treated respectfully, but shall also be thoroughly searched and secured.
- F. Mental health civil commitments should be preferred over arrest for people with mental health issues, who are suspected of committing *minor* crimes or creating other public safety issues.

410.5 TRANSPORTATION

- A. Members may take individuals into protective custody in accordance with ARS 36-525 and transport them in a patrol vehicle or by other appropriate means. When transporting any individual for a mental health civil commitment, the transporting member shall notify, the receiving facility, or cause the facility to be notified, of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.
- B. When a person is taken into protective custody under ARS 36-525, members shall search and secure them in accordance with the SPD Searching, Handcuffing, Transporting, and Processing Arrestees/Detainees policy (Lexipol 302). Should the detainee require transport in a medical transport vehicle (ambulance, etc.) and the safety of any person, including the detainee, requires the presence of any member during the transport, supervisor approval is required before transport commences.

410.6 TRANSFER TO APPROPRIATE MENTAL HEALTH, MEDICAL OR CUSTODIAL FACILITY

- A. Upon arrival at the appropriate mental health, medical, or custodial facility, the member will escort the individual into a treatment or reception area designated by the facility. The member shall provide an appropriate staff member with the written application for a mental health civil commitment and remain present to provide clarification of the grounds for the detention, upon request.
- B. Absent exigent circumstances, the transporting member should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the member may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, members will not apply facility-ordered restraints.

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410.7 DOCUMENTATION

- A. The member placing a person in a mental health, medical, or custodial facility with a mental health civil commitment concern shall complete a written application for emergency admission, provide it to a facility staff member assigned to the individual, and retain a copy of the application for inclusion in the SPD case report.
- B. The member should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention. All information provided to staff at the facility taking custody of the person shall be included in the member's case report.
- C. All mental health civil commitments shall be fully documented in an Alpha report and shall include any supplemental or accompanying forms. Exceptions to documenting such an incident via an Alpha report is listed in section 410.3.

410.8 CRIMINAL OFFENSES

- A. Members investigating an individual who is suspected of committing a *minor* criminal offense and who is being taken into protective custody on a mental health civil commitment may resolve the criminal matter by issuing a notice to appear, if appropriate.
- B. When an individual who may qualify for a mental health civil commitment has committed a serious criminal offense, to include those of violence, threatened violence, or violation of a court order, that would normally result in an arrest and transfer to a jail facility, the member shall:
 - 1. Arrest the individual when there is probable cause to do so.
 - 2. Promptly notify an on-duty supervisor of the facts supporting the arrest and the facts that would support a mental health civil commitment.
 - 3. Facilitate the individual's transfer to jail.
 - 4. Thoroughly document in the related reports, to include jail or facility forms, the circumstances that indicate the individual may qualify for a mental health civil commitment and cause this information to be promptly provided to the jail staff during the booking process.
- C. If, in an on-duty sergeant's judgment, or that of a higher ranking member, the individual is in need of emergency critical medical care not available at a custodial facility, the sergeant or higher ranking member may instead have the subject, who would normally be arrested and booked at a custodial facility, transported to an appropriate mental health or medical facility.
 - 1. The supervisor or superior officer should consider the seriousness of the offense, protection of victims, the public, the person with the mental health issue, the treatment options available, inability of the person to escape the mental health or medical facility, and the ability of this department to regain custody of the individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

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410.9 FIREARMS AND OTHER WEAPONS

- A. Whenever an individual is taken into custody for a civil commitment, the handling members shall seek to determine if the individual owns or has access to any firearm or other deadly weapon. Members shall consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).
- B. Members are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may be needed before searching for or seizing weapons.
- C. The handling members shall provided a receipt if applicable and further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

410.10 TRAINING

- A. This department will endeavor to provide members approved training on interaction with mentally disabled persons, mental health civil commitments, and crisis intervention.

410.11 POLICY ISSUANCE OR REVIEW

04/03/2024 - Reviewed by Commander Manny Amado - SP012

04/10/2025 - Reviewed by Commander Renee Carlson - SP328

05/07/2025 - Reviewed by Chief John Noland, SP#002