

**GORHAM POLICE DEPARTMENT
STANDARD OPERATING PROCEDURES
INVOLUNTARY EMERGENCY ADMISSIONS**

Effective: December 1, 2020

Review: December 1, 2023

I. PURPOSE

The purpose of this Standard Operating Procedure is to establish guidelines for the immediate care of individuals having the inability to care for themselves as defined under RSA 135-C:2X - "Mental Illness." This Standard is established with the concern for the individual's rights as well as the responsibility of our department to protect the individual and the public interest.

The criteria to be used by our department and the examining physician is defined under NH RSA 135-C:27.

II. POLICY

A person shall be eligible for involuntary emergency admission if he is in such mental condition as a result of mental illness to pose a likelihood of danger to himself or others.

A. As used in this section "danger to himself" is established by demonstrating that:

1. Within 40 days of the date that a petition for involuntary emergency admission is completed, the person has inflicted serious bodily injury on himself or has attempted suicide or serious self-injury and there is a likelihood the act or attempted act will reoccur if admission is not ordered;
2. Within 40 days of the date that a petition is completed, the person has threatened to inflict serious bodily injury to himself and there is likelihood that an act or attempt of serious self-injury will occur if admission is not ordered; or
3. The person's behavior demonstrates that he so lacks the capacity to care for his own welfare that there is a likelihood of death, serious bodily injury, or serious debilitation if admission is not ordered.

- B. As used in this section "danger to others" is established by demonstrating that within 40 days of the completion of the petition, the person has inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another.

III. PROCEDURE

- A. When an officer of the Gorham Police Department receives information, or has witnessed an individual or has taken into custody an individual who is in such mental condition that the likelihood of harm exists to himself or others, as defined above, he will prepare a Complaint and Prayer for Compulsory Mental Examination, pursuant to RSA 135-C:28, II. (See Addendum #1) The officer will also complete the attached petition for Involuntary Emergency Admission (I.E.A.) (See Addendum #2). The petition shall outline the reasons for the I.E.A. using the above criteria.
- B. The petitioner should have firsthand knowledge of the facts that will be presented in the I.E.A. petition. It is always preferable to have the complainant or the person who witnessed the concerning behavior complete the petition. The officer can assist the complainant with the paperwork. If it is not possible to have the complainant fill out the petition, an officer may be the petitioner outlining the information received through the investigation.
- C. If upon request for involuntary emergency admission by a petitioner, the person sought to be admitted refused to consent to a mental examination, a petitioner or a law enforcement officer may sign a complaint and prayer for compulsory mental examination pursuant to RSA 135-C:28 II. This complaint shall be sworn to before a Justice of the Peace. The complaint shall be submitted to the Justice of the Peace with the petition. The petition shall state in detail the acts or actions of the person sought to be admitted which the petitioner has personally observed or which have been personally reported to him and in his opinion require a compulsory mental examination. If the Justice of the Peace finds a compulsory mental examination is necessary he may order the examination.
- D. If exigent circumstances exist and it is the officer's belief the person to be examined will do harm to himself or others, the officer will notify his/her supervisor to respond to the scene. A decision will then be made whether or not to take the subject into custody and bring him/her to the station. The officer will then immediately prepare, as the petitioner, the complaint and prayer for compulsory mental examination and the I.E.A. petition.
- E. A police officer has the right to arrest and charge an individual who has committed a crime in his presence or as defined under RSA 594:10. These charges may be dropped by the officer in charge if in his opinion, after an examination of

the facts and circumstances, that the subject was unable to form criminal intent at the time of the incident.

- F. Officers should remember that when time and safety permit, the proper paperwork should be made out in advance.
- G. The person taken into custody will be kept under protective surveillance to prevent further harm to himself.
- H. Upon completion of all paperwork the officer shall notify the Northern Human Services, Mental Health Center, 3 Twelfth Street #2, Berlin, NH 03570 603-752-7404, and advise hospital personnel we will be transporting a subject for an I.E.A. examination to their facility. Hospital personnel will notify a member of their agency, who will make arrangements for a mental health examination.
- I. Transportation to the Mental Health Center will be completed by the Gorham Police Department.
- J. If the subject is combative, and requires medical attention for any reason, the officer will ride in the ambulance with the subject. The officer may follow the ambulance if the subject is non-combative.
- K. If further hospitalization is ordered at the State Hospital in Concord, New Hampshire, arrangements will be made with the Coos County Sheriff's Department for the transport.
- L. If hospitalization is not ordered, the person in custody will be returned to the place from which s/he was detained in compliance with RSA 135-C:3.
- M. The investigating officer shall complete a detailed report explaining the circumstances of the I.E.A. and the results of the examination. A copy of the I.E.A. petition shall be retained with the report.

Per Order of:

Adam Marsh
Chief of Police

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