

The department shall maintain written records of all incidents involving employees who have potentially been exposed to a communicable disease while acting in the line of duty. The records shall be stored in a secured area with limited access, and maintained in conformance with applicable privacy laws.

INVOLUNTARY ADMISSIONS

In Effect: 11/04/2008**Review Date: 09/01/2025**

40.12 INVOLUNTARY ADMISSIONS

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 individuals 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 Berlin 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 first hand 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 concerned 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 and prayer 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. 135-C:28 Involuntary Emergency Admission Examination. –
- I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The commissioner shall maintain a list of physicians, PAs, and APRNs, as defined in RSA 135-C:2, II-a, who are approved by either a designated receiving facility or a community mental health program approved by the commissioner. The admission may be ordered upon the certificate of an approved physician, approved PA, or approved APRN, as defined in RSA 135-C:2, II-a, provided that within 3 days of the completion of the petition the physician, PA, or APRN has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician, PA, or APRN must find that the person to be admitted meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician, PA, or APRN has actually observed or which have been reported to him or her by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's, PA's, or APRN's or designee's opinion satisfy the criteria set forth in RSA 135-C:27. The physician, PA, or APRN shall inform the person of the designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified. The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician, PA, or APRN completing a certificate, who has requested that a physician, PA, or APRN conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.
- II. Upon request for involuntary emergency admission by a petitioner, if the person sought to be admitted refuses to consent to a mental examination, a petitioner or a law enforcement officer may sign a complaint which 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 the petitioner and in his or her opinion require a compulsory mental examination. If the justice of the peace finds that a compulsory mental examination is necessary, the justice may order the examination.
- III. When a peace officer observes a person engaging in behavior which gives the peace officer reasonable suspicion to believe that the person may be suffering from a mental illness and probable cause to believe that unless the person is placed in protective custody the person poses an immediate danger of bodily injury to himself or others, the police officer may place the person in protective custody. Any person taken into protective custody under this paragraph shall be transported directly to an emergency room of a licensed general hospital or to another site designated by the community mental health program serving the area, for the purpose of determining if an involuntary emergency admission shall be ordered in

accordance with RSA 135-C:28, I. The period of protective custody shall end when a physician, PA, or APRN makes a determination as to whether involuntary emergency admission shall be ordered or at the end of 6 hours, whichever event occurs first.

Source. 1986, 212:1. 1993, 293:8. 1995, 310:17. 2001, 184:3. 2009, 54:4, eff. July 21, 2009. 2018, 343:5, eff. July 1, 2018. 2019, 278:3, eff. Sept. 17, 2019.

- E. Officers should remember that when time and safety permit, the proper paperwork should be made out in advance.
- F. The person taken into custody will be kept under protective surveillance to prevent further harm to themself.
- G. Upon completion of all paperwork the officer shall notify the Androscoggin Valley Hospital and advise hospital personnel we will be transporting a subject for an I.E.A. examination. Hospital personnel will notify a member of the Northern New Hampshire Mental Health Center, who will make arrangements for a mental health examination.
- H. Transportation to the Androscoggin Valley Hospital will be completed by the Berlin Police Department or the Berlin Emergency Medical Service if warranted. If the subject is combative the officer will ride in the ambulance with the subject. The officer may follow the ambulance if the subject is non-combative.
- I. Transportation to the NH State Hospital is to be made with the Coos County Sheriff's Department.
- J. The investigating officer shall complete a detailed arrest 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.

MENTAL ILLNESS

In Effect: 11/04/2008

Review Date: 09/01/2022

40.15 MENTAL ILLNESS

I. PURPOSE:

The purpose of this General Order is to provide guidance to Berlin Police Department personnel in dealing with persons suspected of being mentally ill. This standard is established with concern for the individual's rights as well as the responsibility of the Department to protect the individual, police personnel and the public.

This General Order includes:

- A. Guidelines to recognize mental illness and how to deal with individuals with mental illness.
- B. Appropriate responses may involve de-escalation techniques, accessing community health resources, or taking the person into custody for criminal offenses.
- C. Procedures for taking a person into custody, not for a criminal offense, but when they are unable to care for themselves.