

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.

II. POLICY:

It is the policy of the Berlin Police Department to ensure that a consistently high level of service is provided to all community members. Berlin Police Department employees shall afford people who have mental illnesses the same rights, dignity and access to police and other government and community services as are provided to all citizens.

III. DEFINITION:

Mental Illness is defined as, "all diagnosable mental conditions characterized by alterations in thinking, mood, or behavior associated with distress or impaired functioning." (FBI Law Enforcement Bulletin, July 2004) or "any of the various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma" (CALEA 5th edition).

Mental illness is a disease, and mentally ill individuals need and deserve empathy, respect, and assistance. At the same time, police personnel must be vigilant for signs that an interaction may be escalating into a potentially dangerous crisis.

IV. PROCEDURES:

A. ASSESSMENT:

1. A variety of situations can trigger a crisis behavior. Events ranging from the loss of a job to being locked out of the house, or being the victim of a crime can ignite crisis behavior in someone who has a mental illness. Thus the officer responding to a noise complaint may in fact be walking into a situation involving a person with mental illness who is experiencing a crisis. It is believed that 1 in every 5 Americans suffers from some type of mental illness.

2. If department personnel are unsure if a person's behavior is attributable to a condition other than mental illness, any or all of these steps can be taken:

a. Call for medical assistance, including EMS, especially if there is concern about diabetes, drug or alcohol overdose, or another potentially life-threatening condition.

b. Call for assistance from mental health professionals.

c. Call for assistance from family members of care givers.

3. Signs and symptoms of mental illness:

a. Delusions.

b. Hallucinations.

c. Disorganized speech.

d. Grossly disorganized behavior.

e. No emotion.

f. Anxiety.

4. Signs of potentially violent person include:

- a. Alcohol abuse and/or illicit drug use.
- b. Weapons possession.
- c. Body language.
- d. Demonstrated hostile action towards self or bystanders.

B. DE-ESCALATION TECHNIQUES:

While assessing for mental illness and determining the best response, an officer should use the following de-escalation techniques:

1. Be alert. Maintain a safe distance; do not crowd the person; use non-threatening body language; do not touch or rush the person unless an emergency arises.
2. Try to maintain good eye contact with the person (unless this appears to be threatening for them).
3. Speak calmly, softly, and in simple short phrases that are easy to understand.
4. Be patient during what may be a long encounter.
5. Look for personal identification, including wrist tags or neck chains. If the person shares information about a caregiver, request dispatch call them.
6. Keep onlookers calm and the commotion down. Avoid loud sounds and over-stimulation. If possible clear the area of onlookers. Minimize distractions when possible.

C. INTERVIEW AND INTERROGATION:

When interviewing or interrogating, it is important to assure that mentally ill individuals truly understand the nature of police interviews and interrogation. Officers may later need to cite facts and circumstances used to determine that the person understood the nature of the interview and, if a suspect, that in cases of a custodial interrogation understood their Miranda Warnings.

A key component of the interview process and Miranda would suggest that the subject "understand" their rights. The following guidelines are provided to assist in determining whether an individual understands their rights:

1. Do not accept simple yes or no answers from the subject. Ask the individual to describe things in "their own words."
2. It may be advisable to record the interview in both audio and video formats, to further demonstrate how the subject may have understood their rights.
3. It is recommended that a third party witness the interview.

D. ACCESS TO MENTAL HEALTH SERVICES:

1. In many cases, interactions with mentally ill people simply call for empathy, tolerance, and respect for the dignity of the person. However, if a crisis begins to develop or escalate, an officer must react accordingly. Police officers should not hesitate to use force to prevent the individual from harming themselves or others.

2. If it is determined that a person is mentally ill and does not need to be taken into police custody, the officer will need to determine whether the person can carry on without assistance, or be referred to the Northern Human Services. Northern Human Services offers assistance to the mentally ill by providing various resources such as, counseling, financial assistance, housing, and other forms of assistance.

E. CUSTODY/TRANSPORTATION:

1. There are times when a person who appears to be mentally ill will need to be detained or placed under protective custody for a proper mental health evaluation. In these situations officers shall follow the guidelines set forth in the Berlin Police Department Standard Operation Procedure, 40.12, Involuntary Admissions.

2. Officers should be aware that an arrest or protective custody could trigger an anxiety response and escalate matters. Transporting patients with mental illness requires officers to use caution. When applying handcuffs officers should explain the necessity of the restraints and do so in a calm manner. Whenever possible two officers should be used during transportation.

F. TRAINING:

1. All agency personnel who have contact with the public shall receive entry-level training in properly dealing with persons suffering from Mental Illness.

SEARCHES WITHOUT WARRANTS

In Effect: 11/04/2008

Review Date: 09/01/2022

45.4 SEARCHES WITHOUT WARRANTS

HPD 70.2; 70.5;70.6
State v Sterndale 136 NH
Troy, NH P.D. (1995)

I. PURPOSE:

The purpose of this general order is to establish guidelines, responsibilities, and procedures for searches without a warrant.

II. POLICY:

This policy sets forth the conditions under which a warrantless search may be made by an officer of this department.

III. PROCEDURES:

A. General Rule: Under the Fourth Amendment to the U. S. Constitution and Part I, Article 19 of the N. H.