	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: August 6, 2021	POLICY NO.: LAW.12.05
	LAW ENFORCEMENT ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES Policy No. & Date "NEW"	
SUBJECT: MENTAL HEALTH EMERGENCY EXAMINATION		Page 1 of 12	

1.0 PURPOSE

To establish procedures in dealing with persons who may have a mental illness and/or suffering from substance abuse and may be imminently dangerous to self or others, and thereby in need of an emergency medical examination and hospitalization.

2.0 SCOPE

This statewide policy applies to all Department Law Enforcement Officers (LEO). To the extent that any Department of Public Safety (PSD), Administration Division (ADM), Sheriff Division (SD), Sheriff Division Section, Narcotics Enforcement Division (NED), or Internal Affairs Office (IAO) policies or directives conflict with this statewide policy, LAW.12.05 shall control.

3.0 REFERENCES, DEFINITIONS AND FORMS

.1 References

- a. Hawaii Revised Statutes (HRS), §334-1 Definition.
- b. HRS, §334-59 Emergency examination and hospitalization.
- c. HRS, §334-60.2 Involuntary hospitalization criteria.
- d. HRS, §353C-4, Appointment of Employees with Police Powers and Other Employees.

.2 Definitions

- a. Dangerous to others: Likely to do substantial physical or emotional injury to another, as evidenced by a recent act, attempt, or threat.
- b. Dangerous to property: Inflicting, attempting, or threatening imminently to inflict damage to any property in a manner which constitutes a crime, as evidenced by a recent act, attempt, or threat.
- c. Dangerous to self: The person recently has:
 1. Threatened or attempted suicide or serious bodily harm;

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2. Behaved in such a manner as to indicate that the person is unable, without supervision and the assistance of others, to satisfy the need for nourishment, essential medical care, including treatment for mental illness, shelter or self-protection, so that it is probable that death, substantial bodily injury, or serious physical debilitation or disease will result unless adequate treatment is afforded.
 - d. Imminently dangerous to self or others: Without intervention, the person will likely become dangerous to self or dangerous to others within in the next forty-five days.
 - e. Law Enforcement Officer (LEO): Department LEOs who receive an appointment to a position in which he/she is granted police authority under HRS, §353C-4. This shall include Deputy Sheriffs, Narcotic Enforcement Division (NED) Investigators and Internal Affairs Office (IAO) Investigators.
 - f. Mental health emergency worker (MHEW): A person designated by the Director of the Department of Health, State of Hawaii to assist in determining whether a person is imminently dangerous to self or others such that the law enforcement officer may transport the person by ambulance or other suitable means to a designated facility for an emergency examination.
 - g. Mentally ill person: A person having psychiatric disorder or other disease, which substantially impairs the person's mental health and necessitates treatment or supervision.
 - h. MH-1: The process by which a LEO calls a MHEW to assist in determining whether a person is imminently dangerous to self or others such that the law enforcement officer may transport the person by ambulance or other suitable means to a designated facility for an emergency examination.
 - i. Person suffering from substance abuse: A person who uses narcotic, stimulant, depressant, or hallucinogenic drugs or alcohol to an extent which interferes with the person's personal, social, family, or economic life.
- .3 Form(s)
- a. Attachment 1: State of Hawai'i, Department of Health, Application by a Law Enforcement Officer for Emergency Examination (MH-1 Form revised August 2020) (attached).

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- b. Attachment 2: Crisis Mobile Outreach Contact Sheet (attached).

4.0 POLICY

A fundamental duty of LEOs is to safeguard lives and protect individuals' rights. This policy establishes procedures in dealing with persons who may be mentally ill and/or suffering from substance abuse and may be imminently dangerous to self or others, and thereby in need of an emergency medical examination and hospitalization.

5.0 PROCEDURES

.1 Guidelines for Contacts with the Mentally Ill

- a. When dealing with a person in crisis or suspected of mental illness, the following are effective approaches by a LEO:
1. Speak calmly and respectfully; engage with a calm, moderate voice and non-threatening dialogue;
 2. Be compassionate; show interest;
 3. Be patient;
 4. Avoid loud demanding tones, a threatening voice tone, or barking orders;
 5. Be aware of body language and provide personal space;
 6. Avoid the use of defensive and threatening posture;
 7. Avoid giving multiple commands;
 8. Attempt to designate one LEO to give orders;
 9. Express concern about person's well-being;
 10. Engage the person; get the individual to converse to assess the situation; avoid talking over the person;
 11. Be sensitive to physical, emotional, and cultural boundaries; and

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12. Engage with a family member and have the necessary skills to appropriately involve the family member (for example, information about the person's mental health history, medications, recent actions, etc.).
 - b. If the facts and circumstances show that a person is suffering from mental illness to the extent that they cannot knowingly, willingly, or intelligently waive their rights, an interrogation will not take place.
- .2 People who have not committed an offense
- a. A LEO may take into custody a person whom the LEO has probable cause to believe is imminently dangerous to self or others based on the totality of circumstances and observations of behaviors believed to be associated with mental illness or substance abuse.

NOTE: The LEO may request a crisis mobile outreach worker or the person's assigned mental health caseworker to come to the scene and assist the person in receiving voluntary services **only if the person is willing to voluntarily commit him/herself to a designated licensed psychiatric facility AND does not appear to be imminently dangerous to self or others.** (See Attachment 2 for phone number for crisis mobile outreach.)

 - b. Once the LEO takes into custody a person whom the LEO has probable cause to believe is imminently dangerous to self or others based on the totality of circumstances, the LEO shall call for assistance from a MHEW. (See Attachment 2 for phone number for MHEW.) The MHEW will conduct the emergency examination by phone.
 - c. The LEO shall provide information that is personally observed about the person's behavior, condition, and/or psychological state to the MHEW.
 1. The LEO will give the LEO's own name, phone number, agency, and section assigned, as well as the person's name, birthdate, gender, and military service, if any.
 2. The LEO shall provide information to the MHEW which includes: describing the circumstances of the person's behavior, including the date, time, and place of interaction, and the behaviors, statements of threats or attempts as observed by the LEO and/or witnesses.

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d. Upon determination by the MHEW that the person is imminently dangerous to self or others, the MHEW shall inform the LEO to which designated licensed psychiatric facility the LEO will transport the person.

1. The MHEW will contact the designed psychiatric facility to which the person is being transported and inform the facility of the situation along with the MHEW's recommendation prior to the LEO's arrival.
2. The LEO shall transport the person to the specific facility designated by the MHEW.

If the MHEW does not authorize transport to a licensed psychiatric facility for an emergency medical examination, the LEO may call for a crisis mobile outreach worker. (See Attachment 2 Crisis Mobile Outreach Contact Sheet)

e. The LEO shall notify the watch commander of the MHEW assessment prior to transport to the designated licensed psychiatric facility.

f. The LEO shall complete the Application by a Law Enforcement Officer for Emergency Examination (hereinafter "MH-1 Form") (See Attachment 1):

1. The LEO shall complete the application in its entirety, most importantly the section describing the circumstances under which the person was taken into custody, including the circumstances under which the name of the MHEW making the determination and the circumstances of the detention, including the date, time, and place of interaction, and the behaviors, statements of threats/attempts as observed by the LEO and/or witnesses;
2. If the LEO wants to be notified of release because the person is subject to arrest following evaluation and/or hospitalization, the LEO shall check the appropriate box at the bottom of the form;
3. The LEO shall provide the MH-1 Form with the person transported to the designated licensed psychiatric facility; and
4. The white and yellow copies of the MH-1 Form shall be left with the facility personnel.
5. The LEO shall retain the pink copy of the MH-1 Form.

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- g. A Miscellaneous Public report with a SD report number shall be completed to document the facts and circumstances justifying the application for emergency examination and transport. The pink copy of the MH-1 Form shall be attached to the SD report.

.3 People who have committed non-felony offenses

- a. A LEO should initiate the MH-1 process when the LEO has probable cause to believe the person is imminently dangerous to self or others based on the totality of circumstances and observations of behaviors believed to be associated with mental illness or substance abuse. If probable cause for a criminal offense exists, the person should be arrested for the offense. Regardless of the arrest, a criminal case shall be initiated, and the proper reports completed.
- b. The LEO shall call for assistance from the MHEW. (See Attachment 2 for phone number for MHEW.) The MHEW will conduct the emergency evaluation by phone.
- c. The LEO shall provide information that is personally observed about the person's behavior, condition, and/or psychological state to the MHEW.
 - 1. The LEO will give the LEO's own name, phone number, agency, and section assigned, as well as the person's name, birthdate, gender, and military service, if any.
 - 2. The LEO shall provide information to the MHEW which includes: describing the circumstances of the person's behavior, including the date, time, and place of interaction, and the behaviors, statements of threats/attempts as observed by the LEO and/or witnesses.
- d. If the MHEW determines that the person is imminently dangerous to self or others, the MHEW shall inform the LEO to transport the person to a specific designated, licensed psychiatric facility.
 - 1. The MHEW will contact the designed psychiatric facility to which the person is being transported and inform the facility of the situation along with the MHEW's recommendation prior to the LEO's arrival.
 - 2. The LEO shall then ensure transport of the person by suitable means to the designated, licensed psychiatric facility.

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- e. The LEO shall notify the watch commander of the MHEW assessment prior to transport to the designated licensed psychiatric facility.
- f. After arriving at the designated facility, the transporting LEO shall obtain the information needed to complete the required reports.
- g. The LEO shall complete the MH-1 Form. (See Attachment 2.)
 - 1. The LEO shall complete the application in its entirety, most importantly the section describing the circumstances under which the person was taken into custody, including the name of the MHEW making the determination and the circumstances of the detention, including the date, time, and place of interaction, and the behaviors, statements of threats/attempts as observed by the LEO and/or witnesses;
 - 2. If the LEO wants to be notified of release because the person is subject to arrest following evaluation and/or hospitalization, the LEO shall check the appropriate box at the bottom of the form;
 - 3. The LEO shall provide the MH-1 Form with the person transported to the designated licensed psychiatric facility; and
 - 4. The white and yellow copies of the MH-1 Form shall be left with the facility personnel.
 - 5. The LEO shall retain the pink copy of the MH-1 Form.
- h. The LEO shall complete the arrest report and the applicable incident reports.
 - 1. A Miscellaneous Public report with a SD report number shall be completed to document the facts and circumstances justifying the facts and circumstances establishing probable cause for the application for emergency examination and transport.
 - 2. The pink copy of the MH-1 Form shall be attached to the SD reports.
- i. If the examining physician determines that hospitalization is not necessary, the person shall be returned to the custody of the LEO for disposition of the criminal charges.

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- j. If the person taken into custody is hospitalized, the person shall be released on own recognizance (ROR) on the arrest report with the approval of the LEO's watch sergeant, section commander, or higher. Even if ROR, the person shall be assigned a court date for their case. The person shall sign to acknowledge receipt of the court date. The cases (including copies of all reports) shall be forwarded to the Department of the Prosecuting Attorney.

.4 People who have committed felony offenses

- a. If probable cause exists, the person shall be arrested for the offense and taken to the receiving desk for booking.
- b. If a LEO has probable cause to believe the person is imminently dangerous to self or others based on the totality of circumstances and observations of behaviors believed to be associated with mental illness or substance abuse or misuse, the LEO shall call the assigned investigator from the responsible investigative division (either Department of Attorney General Investigator or Narcotics Enforcement Division).
- c. If the responsible investigator, in discussion with the LEO, believes an emergency examination may be appropriate, the LEO shall then contact the MHEW. (See Attachment 2 for phone number for MHEW.) The MHEW will conduct the emergency evaluation by phone.
- d. The LEO, together with the assigned investigator if possible, shall provide information to the MHEW. The LEO shall provide information that is personally observed about the person's behavior, condition, and/or psychological state to the MHEW.
 - 1. The LEO will give the LEO's own name, phone number, agency, and section assigned, as well as the person's name, birthdate, gender, and military service, if any.
 - 2. The LEO shall provide information to the MHEW which includes: describing the circumstances of the person's behavior, including the date, time, and place of interaction, and the behaviors, statements of threats/attempts as observed by the LEO and/or witnesses.
- e. The LEO shall provide the MHEW with all information whether the person presents issues beyond the capabilities of the Receiving Desk.

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- f. If the MHEW determines that the person is imminently dangerous to self or others, the MHEW shall inform the LEO to transport the person to a specific designated, licensed psychiatric facility.
 1. The MHEW will contact the designed psychiatric facility to which the person is being transported and inform the facility of the situation along with the MHEW's recommendation prior to the LEO's arrival.
 2. The LEO shall then ensure transport of the person by suitable means to the designated licensed psychiatric facility.
- g. After arriving at the designated facility, the LEO shall obtain the information needed to complete the required reports.
- h. The LEO shall complete the MH-1 Form. (See Attachment 1.)
 1. The LEO shall complete the application in its entirety, most importantly the section describing the circumstances under which the person was taken into custody, including the name of the MHEW making the determination and the circumstances of the detention, including the date, time, and place of interaction, and the behaviors, statements of threats or attempts as observed by the LEO and/or witnesses;
 2. If the LEO wants to be notified of release because the person is subject to arrest following evaluation and/or hospitalization, the LEO shall check the appropriate box at the bottom of the form;
 3. The LEO shall provide the MH-1 Form with the person transported to the designated licensed psychiatric facility; and
 4. The white and yellow copies of the MH-1 Form shall be left with the facility personnel.
 5. The LEO shall retain the pink copy of the MH-1 Form.
- i. The LEO shall complete the arrest report and the applicable incident reports.

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1. A Miscellaneous Public report with a SD report number shall be completed to document the facts and circumstances justifying the facts and circumstances establishing probable cause for the application for emergency examination and transport.
 2. The pink copy of the MH-1 Form shall be attached to the SD report.
 - j. If the examining physician determines that hospitalization is not necessary, the person shall be returned to the custody of the LEO for disposition of the criminal charges.
 - k. If the person taken into custody is hospitalized, the person may be released pending investigation (RPI) on the arrest report with the approval of the assigned investigator.
- .5 Transporting persons in custody for emergency examination and hospitalization

If a LEO takes a person into custody for an emergency examination and hospitalization, the LEO shall:

- a. Use only restraining devices issued or approved by the department (e.g., handcuffs, flex cuffs, leg irons, etc.) as trained;
- b. Restrain the hands of the person in custody. Handcuffs should be used whenever possible.
 1. The person in custody shall be handcuffed with both hands behind his or her back unless facts or circumstances indicate otherwise.
 2. Handcuffs shall be secured and double-locked without causing the person in custody any unusual injury, pain, or discomfort.
- c. Immediately pat down the person in custody for any weapons, means of escape, and contraband. The appropriate reports shall be initiated;
- d. Place the person in custody in the back seat of the state-owned vehicle and properly secure the seat belt and any other restraint device; and

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- e. Females shall be transported by a female LEO, or by two male LEOs. If two males LEOs, both shall be present in the same car as the transported female, or the second male LEO shall escort immediately behind the transporting vehicle, calling off to dispatch start and end time, mileage, and vehicle number for each vehicle.

.6 LEOs at the Psychiatric Facility

Once a LEO transports the person to the facility designated by the MHEW, gives the MH-1 Form to the emergency room staff, and the person is accepted for hospitalization, the LEO may leave except under the following conditions:

- a. If the person is extremely combative, the LEO shall stay and render assistance in restraining the person until he or she is restrained by hospital staff.
- b. If the facility does not have room to immediately evaluate the person, the LEO may stay with the person for up to 60 minutes.

If the facility is still requesting assistance from the LEO after 60 minutes, the LEO shall contact the LEO's supervisor. The supervisor in turn shall call the MHEW who will contact the facility supervisory staff to inform them that the LEO must leave; or

- c. If the person is under arrest.

.7 Arrest for other offenses

The guidelines outlined in this directive are not designed to preclude arrests in situations where violations of state laws or city ordinances have occurred (e.g., Operating a Vehicle Under the Influence of an Intoxicant, consumption of liquor in public places, etc.).


.8 Training

All personnel will receive training regarding persons suspected of suffering of mental health issues pursuant to the requisite training academy Law Enforcement Recruit Course and in-service annual refresher training.

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APPROVAL RECOMMENDED:



Deputy Director for Law Enforcement

August 6, 2021
Date

APPROVED:



DIRECTOR

August 6, 2021
Date

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STATE OF HAWAII DEPARTMENT OF HEALTH BEHAVIORAL HEALTH ADMINISTRATION	APPLICATION BY A LAW ENFORCEMENT OFFICER FOR EMERGENCY EXAMINATION	Police Report Number: _____ County: _____ District: _____
To: _____ (Designated Receiving Facility Administrator) Facility: _____ PURSUANT TO HRS § 334-59 (a)(1) THE UNDERSIGNED LAW ENFORCEMENT OFFICER HEREBY APPLIES FOR THE EMERGENCY EXAMINATION OF: SUBJECTS NAME: _____ MODE OF TRANSPORTATION <input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> EMS <input type="checkbox"/> AMR	SUBJECT INFORMATION <input type="checkbox"/> HOMELESS HOUSED - <input type="checkbox"/> TEMPORARY <input type="checkbox"/> PERMANENT ADDRESS: _____ _____ PHONE NUMBER: (_____) _____ DATE OF BIRTH: _____ MILITARY AFFILIATION: YES <input type="checkbox"/> NO <input type="checkbox"/> GENDER: <input type="checkbox"/> CIS MALE <input type="checkbox"/> CIS FEMALE <input type="checkbox"/> OTHER <input type="checkbox"/> TRANSGENDER – MTF <input type="checkbox"/> TRANSGENDER – FTM	
IF SUBJECT IS A MINOR		
Parent/Guardian Name: _____ Phone: _____ Address: _____		
SUBJECT'S EMERGENCY CONTACT INFORMATION		
Name: _____ Phone: _____ Relation to Subject: _____		
The above-named individual was taken into custody and transported to a facility for an emergency examination due to the following (Describe the circumstances, including the date, time, and place of interaction, and the behaviors, statements of threats/attempts as observed by witnesses and/or the law enforcement officer): _____ _____ _____ _____ _____		
Pursuant to HRS § 334-59 (a)(3) There is probable cause to believe that the above-named person is (check all that apply): 1. <input type="checkbox"/> Mentally ill and/or <input type="checkbox"/> Suffering from substance misuse; and 2. Imminently dangerous to <input type="checkbox"/> Self and/or <input type="checkbox"/> Others. <i>*Imminently dangerous to self or others indicates that, without intervention, the individual will likely become dangerous to self or dangerous to others within the next forty-five days.</i>		
Consultation with Mental Health Emergency Worker (Name): _____ <input type="checkbox"/> The above-named person is subject to arrest following evaluation and/or hospitalization. If checked, please notify the officer involved prior to release.		
Officer Signature: _____ Badge Number: _____ Print Name: _____ Date: ____/____/20 Phone: _____		

CRISIS MOBILE OUTREACH CONTACT SHEET

CONTACT NUMBERS

DOH Mental Health Emergency Worker (MHEW): (808) 691-5380

Crisis Mobile Outreach (CMO) at Hawaii CARES: (808) 832-3100 or (800) 753-6879