



**Policy Number: 405 – Emergency Evaluations**  
**Effective Date: September 8, 2020**  
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**Approved By: Denis Otterness, Chief of Police**

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## **405.1 PURPOSE AND SCOPE**

This policy provides guidelines for when officers from the Montana State University Billings Police Department (Department) may place a person into custody for an emergency evaluation (§ 53-21-129, MCA).

## **405.2 POLICY**

It is the policy of this Department to protect the public and individuals through legal and appropriate use of the emergency evaluation process.

## **405.3 AUTHORITY**

An officer may take a person into custody for an emergency evaluation (Psychiatric Assessment Center [PAC]) when an emergency situation exists as defined by § 53-21-102, MCA and the person appears to have a mental disorder and presents an imminent danger of death or bodily harm to him/herself or to others or who appears to have a mental disorder and to be substantially unable to provide for his/her own basic needs of food, clothing, shelter, health or safety (§ 53-21-129, MCA).

The person may be taken into custody only for sufficient time to contact a professional person (i.e., medical doctor, advanced practice registered nurse with a specialty in psychiatric mental health nursing, licensed psychologist or a person certified by the Department of Public Health and Human Services) to determine if the person should be transported to the appropriate facility.

### **405.3.1 VOLUNTARY EVALUATION**

If an officer encounters an individual who may qualify for an emergency evaluation, s/he may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- a. Transport the person to Billings Clinic for evaluation.
  1. The person shall be searched prior to transport.
  2. The transporting officer shall notify the receiving staff that the person is there voluntarily and has been searched.
- b. Officers shall document the incident in a case report.
- c. If there is any evidence of self-harm officers shall take the person for evaluation.

If at any point the person changes his/her mind regarding voluntary evaluation, the officers should proceed with obtaining an emergency evaluation, when appropriate.

#### **405.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving a person who may qualify for an emergency evaluation should consider, as time and circumstances reasonably permit:

1. Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
2. Conflict resolution and de-escalation techniques.
3. Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

An emergency evaluation should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

#### **405.5 TRANSPORTATION**

When transporting any individual for an emergency evaluation, the transporting officer should have City/County Dispatch notify Billings Clinic if there is concern regarding the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a marked patrol unit. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, the officers should request additional assistance as appropriate.

Individuals shall be searched before being transported.

#### **405.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. The officer should remain present to provide clarification of the grounds for the evaluation, upon request.

If the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested.

#### **405.7 DOCUMENTATION**

The officer shall complete an Officer Initiated Request for Emergency Psychiatric Evaluation form along with a University Police Department case report. The Emergency Psychiatric Evaluation form shall be scanned into the Automated Records Management System (ARMS) with the case report.

## **405.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for an emergency evaluation should resolve the criminal matter by issuing a warning, citation or Notice to Appear, as appropriate. In lieu of these options an officer may file a report and Request for Prosecution/Warrant with the appropriate charging authority (i.e. Billings City Attorney's Office or Yellowstone County Attorney's Office).

When an individual who may qualify for an emergency evaluation has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

1. Arrest the individual when there is probable cause to do so.
2. Immediately notify a Department supervisor of the facts supporting the arrest and the facts that would support the evaluation.
3. Facilitate the individual's transfer to jail, ensuring the jail staff knows of the mental health concern(s).
4. Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency evaluation.

In the Department supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, 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.

## **405.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for an emergency evaluation, the responding officer(s) should seek to determine if the person owns or has access to any firearm or other deadly weapons. Officers should 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).

Officers 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 also be needed before searching for or seizing weapons.

The responding officer(s) should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

## **405.10 TRAINING**

The Department should periodically provide necessary Department-approved training on interaction with mentally disabled persons, emergency evaluations, crisis intervention, and de-escalation techniques.