

<p style="text-align: center;"><b>East Haven Police Department</b></p> 	<b>Type of Directive:</b> <b>Policies &amp; Procedures</b>		<b>No. 421.3</b>
	<b>Subject/Title:</b>  <b>Protective Custody</b>	<b>Issue Date:</b> <b>April 24, 2018</b>	
		<b>Effective Date:</b> <b>June 11, 2018</b>	
	<b>Issuing Authority:</b> <b>Honorable Board of Police Commissioners</b>	<b>Review Date:</b> <b>Annually</b>	
<b>References/Attachments:</b> <b>Policies and Procedures #: 407</b> <b>Connecticut General Statutes § 17a-503, 17a-505, 17a-621, 17a-625, 46b-120, and 46b-149a</b>		<b>Rescinds:</b> <b>421.2</b>	<b>Amends:</b> <b>N/A</b>

## I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the handling of mentally ill, gravely disabled, intoxicated, or incapacitated individuals by members of the East Haven Police Department.

## II. POLICY

- A. It shall be the policy of the East Haven Police Department that officers will offer assistance or take into custody, where appropriate, individuals determined to be run-away juveniles; individuals intoxicated or incapacitated by alcohol; mentally ill individuals who pose a danger to themselves or others, or gravely disabled individuals in accordance with applicable sections of the Connecticut General Statutes § 17a-503, 17a-505, 17a-621, 17a-625, 46b-120 and 46b-149a and the procedures set forth herein.
- B. Children taken into custody based upon this policy and procedure will not be handled the same as juvenile offenders.

## III. DEFINITIONS

- A. Run-Away Child: A person under the age of sixteen (16) who leaves his/her home without permission of a parent or guardian. The family of a run-away child is by statutory definition, § 46b-120, a family with service needs. Any police officer who receives a report from the parent or guardian of a child that such child is a member of a family with service needs shall promptly attempt to locate the child.

- B. Mentally Ill: A person who has a mental or emotional condition which has substantial adverse effects on their ability to function and who requires care and treatment, and specifically excludes a person who is an alcohol or drug dependent person (Connecticut General Statute § 17a-495).
- C. Gravely Disabled: A condition in which a person, as a result of mental or emotional impairment, is in danger of serious harm as a result of the following.
  - 1. Inability or failure to provide for his/her basic human needs such as essential food, clothing, shelter, or safety.
  - 2. Such person is mentally incapable of determining whether or not to accept such treatment because his judgment is impaired by his mental illness (Connecticut General Statute § 17a-495).
- D. Intoxicated Person: A person whose mental or physical functioning is substantially impaired as a result of the use of alcohol and/or drugs (Connecticut General Statute § 17a-621).
- E. Incapacitated by Alcohol: A condition in which a person, as a result of the use of alcohol, has his/her judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment (Connecticut General Statute § 17a-621).

## **IV. PROCEDURES**

### **A. Run-Away Children**

- 1. Any police officer who receives a report from the parent or guardian of a child that such child is a member of a family with service needs, as defined in section § 46b-120, shall promptly attempt to locate the child.
  - a. If the officer locates such child, or any child he believes has run away from his parent or guardian's home without permission, or any non-delinquent juvenile runaway from another state, he shall report the location of the child to the parent or guardian, and may respond in one of the following ways.
    - 1) The officer may transport the child to the home of the child's parent or guardian or any other person.
    - 2) The officer may refer the child to the Department of Children and Families (DCF).
    - 3) The officer may hold the child in protective custody for a maximum period of twelve (12) hours until the officer can determine a more suitable disposition of the matter, provided the child is not held in any locked room or cell.
    - 4) The officer may release the child at any time without taking further action or he/she may transport or refer a child to any public or private agency serving children, with or without the agreement of the child.

- a) If a child is transported or referred to an agency pursuant to this section, such agency may provide services to the child unless or until the child's parent or guardian at any time refuses to agree to those services.

**B. Mentally Ill or Gravely Disabled Persons**

1. Officers shall take into protective custody a person whom they believe has a psychiatric disability and is a danger to himself, herself or others, or gravely disabled, and in need of immediate care and treatment.
2. A Police Emergency Examination Request Form (MHCC-1) shall be completed, and the officer shall make arrangements for this person to be transported via ambulance to a medical facility for an emergency examination per Connecticut General Statute § 17a-503.
  - a. Officers preparing such a person for transport by ambulance shall take reasonable steps to protect themselves, the general public, and the person, including the following.
    - 1) When necessary the person may be restrained only to the extent to protect the officer, general public, and such person.
    - 2) Conducting a pat down of the person for weapons and/or items that would constitute a threat to the safety of all persons.
      - a) Items taken will be turned over to responsible family members or emergency medical responders.
      - b) Items not accepted by above person(s) will be stored at the Department for safekeeping.

**C. Persons Under the Influence**

1. An officer finding a person who appears to be under the influence in a public place and who may be in need of help shall do the following.
  - a. Offer to make arrangements through family, friends, or a taxi service to provide transportation to the person's home.
  - b. Terminate direct involvement if the person refuses help and in the officer's judgment is able to care for himself/herself.

**D. Incapacitated or Intoxicated Persons**

1. An officer finding a person to be incapacitated by alcohol and/or drugs shall take the person into protective custody, make every reasonable effort to protect the person's health and safety, and make arrangements for transport via ambulance to medical facility.
2. Officers assisting in the transporting of such persons shall take reasonable steps to protect themselves, the general public, and the incapacitated persons, including the following.
  - a. Restraining the person only to the extent necessary to protect the officer, general public, and such person.

- b. Conducting a pat down of the person for weapons and/or items that would constitute an obvious threat to the safety of all persons.
  - 1) Items taken will be turned over to responsible family members or Emergency Medical Responders.
  - 2) Items not accepted by the above person(s) will be stored in the Department's Property Room for safekeeping.

E. Reporting Requirements

1. An officer taking a person into custody for purpose of examination as outlined above shall complete a Police Emergency Examination Request Form.
2. The assigned officer will submit to records a copy of the Police Emergency Examination Request Form. If property is seized or force is used, the officer will complete a report..
3. Items taken from individuals in custody as described above and stored at the Department shall be documented in a report.

F. Previously Ordered Committals/Emergency Transportation Certificates

1. The Probate Court, any psychologist licensed under Chapter 383, any clinical social worker licensed under Chapter 383b, or advanced practice registered nurse who is licensed under Chapter 378 may issue committal papers for the apprehension and bringing to a hospital or emergency room for examination a person who is judged mentally ill and dangerous to himself/herself or gravely disabled, and in need of immediate care and treatment (Connecticut General Statute § 17a-503).
2. Under normal circumstances, the Department will not be involved in the transport of persons to state institutions or medical facilities. Officers will assist the requesting agency in standing by while committal papers are served.
3. Reports.
  - a. An officer taking a person into custody for the purpose of examination outlined in this section shall attempt to obtain a copy of the Emergency Examination Request form to be submitted to the Department's Records Division.

G. Training

1. The Department will conduct training for all Department members regarding mentally ill persons.