

Civil Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under a civil commitment (405 ILCS 5/1-100 et seq.).

408.2 POLICY

It is the policy of the Urbana Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

408.3 AUTHORITY

An officer responding to or handling a call involving a suspected civil commitment may take that person into custody and transport him/her to an approved mental health facility when the officer has reasonable grounds to believe the person is in need of immediate hospitalization to protect him/herself or others from physical harm (405 ILCS 5/3-606).

Upon arrival at the facility, the officer should complete the written petition for involuntary admission, which includes (405 ILCS 5/3-601):

- A detailed statement of the reason for the commitment, including observed signs and symptoms, a description of any acts, threats, other behavior or pattern of behavior, and the time and place of occurrence.
- The name and address of the spouse, parent, guardian, substitute decision-maker, if any, and close relative, or if none, the name and address of a known friend. If this information is unavailable, the officer shall state that diligent inquiry was made.

408.3.1 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for civil commitment, and the individual voluntarily consents to treatment, the officers should:

- (a) Transport the individual to the local facility of the individual's choosing that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) Proceed with the civil commitment, to include completing a petition for involuntary admission.

408.3.2 MINORS

When a minor's parent or guardian is present, the officer shall follow the wishes of the parent or guardian. The officer should help connect the parent or guardian to appropriate resources and the officer may transport the minor to a local mental health or medical facility of the parent's choosing. The officer will not complete a petition for involuntary admission for the minor.

If the officer's investigation produces reasonable grounds that the minor is a risk of harm to self or others, and the officer believes the parent or guardian's plan of action does not adequately address this concern, the officer shall request a supervisor respond to the scene. If the supervisor

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deems the parents desired action endangers the child or other, an officer may take protective custody of the child and shall transport the child to a medical facility.

In the event the minor's parent is not present an officer may take a minor into custody and transport the minor to a medical facility when there is reasonable grounds to believe that the minor has a mental illness or emotional disturbance of such severity that hospitalization is necessary to protect him/herself or others from physical harm, and that the minor is likely to benefit from inpatient treatment (405 ILCS 5/3-503; 405 ILCS 5/3-504(b)).

Upon arrival at the facility, the officer will not complete the written petition for involuntary admission. The officer shall provide to a member of the medical staff:

- A detailed statement of the reason for the commitment, including a description of any acts or significant threats, and the time and place of occurrence, in writing if possible.
- The name, address and telephone number of any witness and family, to include parents and/or guardian.

Prior to clearing the call, the officer shall also make reasonable attempts to locate and notify a parent or guardian.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Conflict resolution and de-escalation techniques.
- (c) Community or other resources available to assist in dealing 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.

If an individual meets the criteria for a civil commitment, and is suspected of committing minor crimes or creating other public safety violations, a civil commitment is preferred over an arrest.

408.5 TRANSPORTATION

Officers may transport individuals in a patrol vehicle, or request an ambulance respond to the scene to provide transport, and shall secure them in accordance with the Handcuffing and Restraints Policy. Officers who have reasonable cause to place an individual under a civil commitment shall not permit the individual to transport himself or herself from the scene nor will the officer allow a third party to provide the transportation. 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, Shift Supervisor approval is required before transport commences.

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408.6 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 provide the staff member with the written petition for involuntary admission and remain present to provide clarification of the grounds for detention, upon request (405 ILCS 5/3-606).

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, 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. Under normal circumstances, officers will not apply facility-ordered restraints.

408.7 DOCUMENTATION

The officer should complete a petition for involuntary admission, provide it to the facility staff member assigned to the individual and retain a copy of the petition for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

408.8 CRIMINAL OFFENSES

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

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgement, the individual may be taken into custody and transported to an 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.

408.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. 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).

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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 handling officers should further advise the individual of the procedure for the return of any confiscated firearm or other weapon that has been taken into custody.

408.9.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer should detail those facts and circumstances in a report. The report should be forwarded to the Criminal Investigation Division, which shall be responsible for contacting the Illinois State Police Firearms Services Bureau.

408.10 TRAINING

This department will endeavor to provide training approved by the Illinois Law Enforcement Training and Standards Board on interaction with mentally disabled persons, civil commitments and crisis intervention.