



DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL	
CHAPTER 207	EMERGENCY CARE OF MENTAL HEALTH PATIENTS
	Effective: 4/26/2023 Commissioner Approval: 
	Authorities: AS 47.30 ; AS 11.05-81 ; AS 12.45 ; AS 47.37
	Applicability: Commissioned and Partially Commissioned
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207.100 INTRODUCTION

The department established the following policy in compliance with State law regarding the handling and care of mental health consumers/persons suffering from a behavioral health crisis.

207.300 DETENTION AND TRANSPORT OF MENTAL HEALTH PATIENTS

A. Authority for detention of mental health patients. Alaska Statute AS 47.30 governs the handling and care of mental health consumers. Most DPS detentions come under AS 47.30.700, ex parte Order of the Court (subject not represented) and AS 47.30.705, Emergency Custody by an Officer.

B. Emergency mental health detention. AS 47.30.705 states, in part, "A peace officer who has probable cause to believe that a person is gravely disabled or is suffering from mental illness and is likely to cause serious harm to self or others of such immediate nature that considerations of safety do not allow initiation of involuntary commitment procedures set out in AS 47.30.700, may cause the person to be taken into custody by a peace officer or health officer and delivered to the nearest crisis stabilization center, crisis residential center, evaluation facility, or treatment facility."

When a patient's condition requires police protection to ensure that no person is harmed, or an emergency detention situation exists, and other appropriate escort personnel are unavailable, DPS may provide escort services.

1. For an emergency detention for evaluation, only individuals taken into custody by DPS officers will be transported by DPS.
2. Transportation of mental health patients being held under emergency detention by DPS is the responsibility of the custodial Detachment/Post.

Law enforcement agencies taking persons into emergency custody under the provisions of AS 47.30.705 will be referred to the Department of Health, Division of Behavioral Health who will determine to which facility the patient should be transported, and who will make required travel authorizations, and payment approvals. [Ref AS 47.30.870]

C. Any peace officer may serve Ex Parte Orders. Service of ex parte orders for taking into custody and transporting mental health patients located within any city limits may be accomplished by local police agencies or the Alaska State Troopers.

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Ex Parte orders issued by the Alaska Court System in cases of involuntary commitment under AS 47.30.700 or AS 47.37.190, shall only be enforced after the officer has confirmed that the order has been entered into APSIN.

Nothing in this subsection or chapter is constructed to prevent an officer under AS 47.30.705 from acting on probable cause who believes a person is gravely disabled, or is suffering from mental illness and is likely to cause harm to self or others.

D. *Non-emergency orders will be referred to Division of Behavioral Health.* All non-emergency situations will be referred to the Division of Behavioral Health which is responsible for taking into custody and transporting persons disabled from mental illness pursuant to ex parte orders under non-emergency conditions.

E. *Prisoner transport rules do not apply to mental health patients.* Persons taken into custody for transport to mental health facilities, including crisis stabilization and residential centers, are patients, not prisoners; therefore, good judgment shall be used when determining the nature and extent of restraints used. Officers must assure the safety of the patient and assure that the patient does not harm others.

207.310 EMERGENCY DETENTION PROCEDURES

A. *Mental Health patients must be immediately transported to crisis stabilization center, crisis residential center, evaluation facility, or treatment center.* When an individual is taken into emergency custody, transportation to the nearest crisis stabilization center, crisis residential center, evaluation facility, or treatment facility must occur immediately. Transportation to a crisis stabilization center or crisis residential center shall be given priority if one exists in the service area. The officer who transports the individual must complete the application for examination form and must contact a mental health professional with admitting privileges and be interviewed (by telephone if necessary) by that professional.

B. *Statements supporting probable cause required.* If probable cause for emergency custody of a person is based solely on statements of others, the officer will obtain written statements from those individuals and copies of those statements will accompany the patient to the hospital.

C. *Patients can be housed in jail only if a crisis stabilization center, crisis residential center, evaluation facility, or treatment facility, is unavailable.* Mental Health patients must be transported to a crisis stabilization center, crisis residential center, evaluation facility, or treatment facility, if available. Only if a crisis stabilization center, crisis residential center, evaluation facility, or treatment facility, is unavailable can a mental health patient be held in a jail. Local evaluation facilities will be considered unavailable only if the evaluation facility is completely full; or evaluation facility personnel, with DPS assistance, are unable to secure the person using adequate restraints.

1. A person taken into custody for emergency evaluation may not be placed

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in a jail or correctional facility except for protective custody purposes and only while awaiting transportation to a crisis stabilization center, crisis residential center, evaluation facility, or treatment facility.

2. If the officer has sufficient probable cause to bring a criminal charge against the patient and does so, the jail can be used without any of the above conditions being met.
3. If a person is taken into custody pursuant to an ex parte court order for a seventy-two (72) hour evaluation, the above steps are unnecessary. [Ref AS 47.30.700]
4. Protective custody may not include the placement of a minor in a jail or secure facility.

D. *Patients may be transported to facility in lieu of arrest.* If the officer determines during the course of a criminal investigation that the person is suffering from a mental health crisis situation and that a crisis stabilization center, crisis residential center, evaluation facility or treatment facility is better suited to provide for the mental health needs of the person, the officer may, in lieu of arrest, transport the person to such a location for evaluation so long as the person agrees to be transported to such a facility for evaluation. [Ref AS 12.25.031]

1. If the officer has established probable cause that a crime involving domestic violence has been committed and the person to be arrested is suffering from a mental health crisis and agrees to be transported to a qualifying facility in lieu of arrest, a District Attorney must be contacted and authorize the non-arrest. [Ref AS 18.65.530(c)]
2. In all circumstances where a person is transported to a crisis stabilization center, crisis residential center, evaluation facility or treatment facility in lieu of arrest, the officer must provide the center or facility contact information for the officer and the officer's agency. The facility must contact the officer and /or agency to inform of the planned release of the person from the facility.
3. If the person was transported in lieu of arrest for a qualifying domestic violence crime, and the officer or department is notified by the facility of the person's planned release, the officer/department must make reasonable efforts to notify the victim(s) of the planned release.

207.320 EMERGENCY FACILITIES

The Alaska Department of Health (DOH) is responsible for providing facilities for the temporary detention of the mental health consumers. Each Post shall contact DOH, and a list of approved facilities to use for the temporary detention of the mental health consumer shall be kept on hand.

207.330 TRANSPORTATION COSTS

A. *Transportation costs paid by Division of Behavioral Health.* Division of Behavioral Health will pay the necessary costs for:

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1. Transportation to a mental health facility for a person(s) involuntarily being committed,
2. Return transportation of the patient and escort(s), and
3. Amounts spent in excess of normal costs incurred.

B. *Transportation costs not paid by Division of Behavioral Health.* Division of Behavioral Health will not pay costs when a person is:

1. Taken into custody under AS 11.05 - 81 and charged with a criminal offense; or
2. Being transported under AS 12.45 or AS 47.37.

207.340 WEAPON SECURITY AT ALASKA PSYCHIATRIC INSTITUTE (API)

Officers will not take firearms onto patient units. Sally ports are not considered as being on the unit. Prior to entering a patient unit, the officer's weapon must be locked in the weapons cabinet at the receptionist station. The key to the cabinet shall be in the officer's possession until the weapon has been returned.

When escorting a previously admitted patient, arrangements must be made to pick up and return the patient to a sally port area.

207.350 COURT ORDERED PRISONER PSYCHIATRIC EXAMS

Alaska Psychiatric Institute (API) will not accept prisoners for examination until all necessary documents are received. Due to this restriction, officers will not transport prisoners to an Anchorage area correctional center for completion of a court ordered psychiatric exam until API has received all necessary documents. Ordinarily, the AST Travel Coordinator will approve movements of prisoners for court ordered psychiatric examinations. [See OPM 216]

These restrictions apply to court ordered examinations only. Defendants requiring emergency psychiatric hospitalization will continue to be referred for treatment regardless of the availability of documentation.

1. Documents required prior to admission to API are:
 - a. Signed order for psychiatric exams (CR-260),
 - b. Relevant police reports,
 - c. Copy of the criminal charges, and
 - d. Any information or materials in the court records involving the defendant and/or of possible assistance to the examiners.
2. Documents are to be sent to the following address prior to transfer of defendant:

Forensic Services Team
Alaska Psychiatric
Institute 2900
Providence Dr.
Anchorage, AK 99504

207.360 TITLE 47 AND EX PARTE TRANSPORTS TO MENTAL HEALTH FACILITY

A. *Transported persons must be delivered to API for medical clearance.* All persons that are court ordered to a mental health facility on a Title 47 or an ex parte petition must be transported directly to a mental health facility first. It will be up to the facility to assess the individual's need for further medical clearance.

B. *Persons Transported not to be left unattended.* Any Title 47 ex parte in custody subjects transported shall be treated for any apparent medical conditions prior to them being delivered to a mental health facility. Under no conditions will a person being transported be left unattended by an officer. The transporting officer is responsible for maintaining control over the person during treatment (as with any emergency room situation), and until they are delivered to the facility or released by the medical staff.

C. *Coordination required on out-of-town transports to API.* All moves from out-of-town with Title 47 ex parte in custody subjects must be coordinated with API prior to departure from the outpost.