

GENERAL ORDER

DATE OF ISSUE

11-12-74

EFFECTIVE DATE

11-12-74

NUMBER

74-84

SUBJECT		FILE CODE	
Implementation of the New Mental Health Code		Sick & Injury Procedures	
REFERENCE	RESCINDS	AMENDS	DISTRIBUTION
		G.O. 72-27(S)	A

Public Act 258 of the Public Acts of 1974 revises the procedure for administrative action for mentally ill persons who are deemed clinically suitable for treatment. The act provides that a peace officer may, under specifically described circumstances, take into protective custody a "person requiring treatment", in a non-criminal case, without obtaining permission from the prosecuting attorney or one of his assistants. Section 401 of Public Act 258 describes a "person requiring treatment" as:

- (a) A person who is mentally ill, and who as a result of that mental illness can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself or another person, and who has engaged in an act or acts or made significant threats that are substantially supportive of the expectation.
- (b) A person who is mentally ill, and who as a result of that mental illness is unable to attend to those of his basic physical needs such as food, clothing, or shelter that must be attended to in order for him to avoid serious harm in the near future, and who has demonstrated that inability by failing to attend to those basic physical needs.

It should be noted that the Act also stipulates that a person whose mental processes has simply been weakened or impaired by reason of advance years, epilepsy, alcoholism, or other drug dependences shall not be deemed a "person requiring treatment" under the Act unless the person also meets the criteria specified previously in (a) and/or (b).

The Act further provides that when a peace officer observes an individual conducting himself in a manner which causes the peace officer to reasonably believe that the individual is a "person requiring treatment" as defined in Section 401 (a) and (b), the peace officer may take the

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individual into protective custody and transport him to an appropriate hospital for examination. In addition, when a peace officer is presented with an Application For Admission and Physician's Certificate or an Application For Admission and Court Order of Examination and Transportation, the peace officer shall take the individual named in the application into protective custody and transport him immediately to an appropriate hospital for hospitalization. It is important to realize that in many instances the examining physician will not wait for the responding officer, but that he will leave the Application For Admission and Physician's Certificate on the premises for presentation to the peace officer responding.

The following changes shall be made to General Order 72-27(S), Sick and Injury Procedures.

Replace Section IV with the following:

IV. TEMPORARY DETENTION OF MENTALLY ILL PERSONS

- A. Protective Custody. Police officers may take into protective custody individuals who appear to require treatment under the following statutory provisions.
1. A person who is mentally ill, and who as a result of that mental illness can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself or another person, and who has engaged in an act or acts or made significant threats that are substantially supportive of the expectation; or
 2. A person who is mentally ill, and who as a result of that mental illness is unable to attend to those of his basic physical needs such as food, clothing, or shelter that must be attended to in order for him to avoid serious harm in the near future, and who has demonstrated that inability by failing to attend to those basic physical needs.

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Property Procedures

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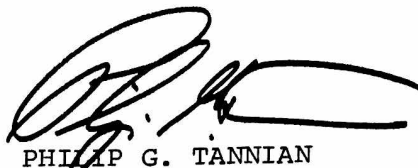
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- When a police officer observes an individual conducting himself in a manner which causes the officer to reasonably believe that the individual is a "person requiring treatment" as defined under (1) and/or (2), the officer may take the individual into protective custody and transport him immediately to Detroit General Hospital (Central Branch). If the police officer observing the conduct has any doubt as to whether or not the individual is a "person requiring treatment", the officer shall request that a supervisor be dispatched to the scene. The supervisory officer shall determine if the individual is a "person requiring treatment". When the decision is made to convey, conveyance will be made by the officer observing the conduct. The officer will be the affiant and will complete the Application For Admission at the hospital. The individual shall not be taken to the prisoner ward nor shall he be registered on an arrest ticket.
- B. Other Conveyances. Whenever an officer is presented with a completed Application For Admission and Physician's Certificate or a completed Application For Admission and Court Order For Examination and Transportation, the officer shall take the individual named in the application into protective custody and convey him to Detroit General Hospital (unless otherwise specified). The individual shall not be taken to the prisoner ward nor shall he be registered on an arrest ticket.
- C. Notification. Upon conveyance to the hospital under any of the above circumstances, the officer shall contact his superior and have him make an entry regarding the proceedings in the desk blotter indicating the supervisory officer ordering the conveyance, if applicable, or if it was ordered by medical certification or judicial certification. The conveying officer shall leave the necessary papers with hospital officials for proper filing.


PHILIP G. TANNIAN
Chief of Police